



# TROY, ALABAMA ZONING ORDINANCE

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JANUARY 14, 1986

AS AMENDED:  
OCTOBER 27, 2015

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## ARTICLE ONE

### TITLE, SHORT TITLE, OFFICIAL ZONING MAP

#### **Section 1.1**            **Title**

The Ordinance shall be known and may be cited as “The Zoning Ordinance for the City of Troy, Alabama.”

#### **Section 1.2**            **Short Title**

The Ordinance and all subsequent amendments, attachments, and supplements thereto shall be known as “Troy Zoning Ordinance.”

#### **Section 1.3**            **Official Zoning Map**

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

- 1.31        The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map of the City of Troy, Alabama,” together with the date of the adoption of this Ordinance.
- 1.32        If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: The new boundary line shall be drawn and within the newly zoned area a circle shall be drawn and include the designation of the new zone, the ordinance number which approved the change, and the effective date of the change. Such changes shall be completed by the City Planner or a designee thereof.
- 1.33        No Changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article Seven.
- 1.34        Regardless of the existence of purported copies of the official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Troy Zoning Office at Troy City Hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

#### **Section 1.4**            **Replacement of Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) a part of the Zoning Ordinance of the City of Troy, Alabama.”

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendments.

## ARTICLE TWO

### RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

#### **Section 2.1**      **Boundary Interpretations**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 2.11      Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- 2.12      Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 2.13      Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- 2.14      Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s).
- 2.15      Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- 2.16      Boundaries indicated as parallel to or extensions of features indicated in subsections 2.11 through 2.15 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 2.17      Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 2.11 through 2.16 above, the Board of Adjustments shall interpret the district boundaries.
- 2.18      Where a district boundary line divides a lot which was in single ownership at the time of passage of the Ordinance, the Board of Adjustment may permit, as a Special Exception, the extension of the regulations for either portion of the lot.

## ARTICLE THREE

### APPLICATION OF DISTRICT REGULATIONS

#### **Section 3.1**      **Zoning Affects Every Building and Use**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 3.11      No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall be hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- 3.12      No building or other structure shall hereafter be erected or altered:
  - 3.121      To exceed the height or bulk
  - 3.122      To accommodate or house a greater number of families
  - 3.123      To occupy a greater percentage of lot area
  - 3.124      To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- 3.13      No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for another building.
- 3.14      No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 3.15      All territory which may hereafter be annexed to the City shall be considered to be in the RR: Reserved Residential District, until otherwise classified.

## ARTICLE FOUR

### NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE

#### **Section 4.1**                      **Continuance of Non-Conforming Uses**

Within the districts established by the Ordinance, or amendments that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance of future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-Conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- 4.11        Extension of Non-Conformities: Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment of a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.
- 4.12        Construction Prior to Adoption: To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently.
- 4.121       Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
- 4.122       Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on in accordance with Section 4.121 within thirty (30) days of adoption of this Ordinance.

#### **Section 4.2**                      **Non-Conforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in this district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations or the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

- 4.21        If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, such lands shall be able to change ownership, and be constructed upon. The Zoning Board of Adjustment may, by variance, reduce or waive the yard requirements on non-conforming lots where enforcement of the yard requirements would create an excessively small or narrow building area. The Board shall, in its deliberation on an appeal for a variance, take into consideration typical existing yards in the



general area where the non-conforming lot is located, giving particular attention to existing uses and setbacks on adjacent properties.

#### **Section 4.3**                    **Non-Conforming Uses of Land**

- 4.31        Extension of Non-Conforming Use: No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- 4.32        Relocation of Non-Conforming Use: No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- 4.33        Discontinuance of Non-Conforming Use: If any such non-conforming use of land ceases for any reason for a period of more than 120 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 4.34        Additional Structures: No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

#### **Section 4.4**                    **Non-Conforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of the Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.41        Extension of Non-Conforming Structure: No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- 4.42        Replacement of Non-Conforming Structure: Should such non-conforming structure on non-conforming portion of structure be destroyed by any means exceeding its full value above foundation for tax purposes, it shall not be reconstructed except in conformity with the provisions of this Ordinance or under hardship conditions as a Special Exception as defined under Section 8.512 and 8.513.
- 4.43        Relocation of Non-Conforming Structure: Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **Section 4.5**                    **Non-Conforming Uses of Structures or Structures and Premises in Combination**

If a lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 4.51        Extension of Non-Conforming Use of Structure: No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 4.52        Extension of Non-Conforming Use: Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such at the time of adoption or

amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

- 4.53 Change to Non-Conforming Use: In changing a non-conforming use to another non-conforming use the Board of Adjustment shall render such decisions only if the following conditions are satisfied:
- 4.531 Change shall be permitted only by Special Exception under the provisions of Section 8.512 or 8.513.
  - 4.532 The applicant must show that the non-conforming use cannot reasonably be changed to a permitted use.
  - 4.533 The application shall show that the proposed change must be less objectionable in external effects than the existing non-conforming use with respect to:
    - 1. Traffic generation and congestion including truck, passenger car, and pedestrian traffic.
    - 2. Noise, dust, smoky glow, fumes, vapors, etc.
    - 3. Storage and waste disposal.
    - 4. Appliances.
  - 4.534 The proposed use is a permitted use in one (1) or more zoning districts.
- 4.54 Establishment of Conforming Use: Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- 4.55 Discontinuation of Non-Conforming Use: When a non-conforming use of structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- 4.56 Elimination of Non-Conforming Mobile Homes: When a non-conforming mobile home is moved from its site, or upon violation of any other applicable ordinance requiring vacating the mobile home as a residence, shall be considered grounds for elimination of the non-conformity. In those instances where a non-conforming mobile home is vacant for six (6) consecutive months or nine (9) months in any two-year period, it shall not be occupied again and the non-conformity shall be removed.
- 4.57 Elimination of Non-Conforming Status of Land: Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damaged to an extent of more than 50% of the replacement cost at time of destruction.

#### **Section 4.6 Repairs and Maintenance of Non-Conforming Structures**

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of the non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

- 4.61 Unsafe Structures: If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- 4.62 Restoration of Safe Conditions: Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 4.7**                    **Uses Under Special Exception Provisions Not Non-Conforming Uses**

Any use which is permitted as a Special Exception in a district under the terms of this Ordinance (other than a change through Board of Adjustment Action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

## ARTICLE FIVE

### CLASSIFICATION OF SCHEDULE OF DISTRICT REQUIREMENTS

#### **Section 5.1**      **Classification of District**

For the purpose of this Ordinance, the City of Troy, Alabama, is hereby divided into the following zone districts: RR, Reserved Residential; R-1, Low Density Residential; R-2, Medium Density Residential; R-3, High Density Residential; A-1, Apartments; MHR, Mobile Home Residential; MH, Mobile Home Park; PH50, Patio Home Residential; C-1, Neighborhood Commercial; C-2, General Commercial; C-3, Central Business District; C-4, Highway Commercial; M-1, Light Industrial; M-2, Heavy Industrial and C-O, Commercial Office.

#### **Section 5.2**      **Schedule of District Regulations**

Within the following zoning districts as shown on the Official Zoning Map of the City of Troy, Alabama, the following regulations shall apply:

##### **5.21**      **RR:**      **Reserved Residential:**

5.211      **Statement of Intent:** The intent of the Reserved Residential District is to provide for the preservation of prime residential and forestry lands; to provide for the preservation of natural and scenic areas needed for outdoor recreation, open space, water aquifer rechargers, essential drainage areas, and to provide for protection of such lands from the premature or incompatible development, yet provide an opportunity for the best use of land through various development schemes.

##### 5.212      **Uses Permitted:**

1.            General and specialized farming, forestry and agricultural uses except commercial animal feed lots and poultry farms.
2.            Roadside stands for the sale of produce raised on the farm premises.
3.            Conservation areas and structure for the development, protection, preservation and conservation of open space, water sheds, water, soil, forest and wildlife resources.
4.            Parks, playgrounds, playfields, general recreation facilities, golf courses and club houses.
5.            Single Family dwellings and associated accessory structures and uses customarily incidental thereto. Unless permitted on appeal, any use of a single dwelling unit in this zoning district other than as a residence of a single family as defined in this Ordinance is expressly prohibited. Any such prohibited use shall be unlawful and any persons residing together in a single dwelling unit in violation of this prohibition shall each be deemed to be unlawfully in violation of this Ordinance. It shall be unlawful for any person, firm, corporation, company, partnership, business, association, or other entity of any type owning or having charge or control of any residential premises in this zoning district to lease, sell, or permit occupancy of any single dwelling unit in violation of this section, and the same shall be deemed to be an unlawful violation of this Ordinance.
6.            Accessory structures or uses customarily incidental to any of the aforementioned permitted uses.
7.            Plant nurseries and greenhouses.

*(Section 5.212 as amended by Ordinance 319 dated October 11, 2011)*

5.213 Uses Permitted on Appeal:

1. Churches and other places of worship.
2. Schools offering general education courses.
3. Home Occupations in accordance with the provisions of Section 6.24.
4. Clubs not conducted for profit.
5. Hospitals, sanatoriums, and orphanages.
6. Resorts, campgrounds, riding academies, stables, commercial kennels.
7. On-site signs in accordance with provisions specified in Article 6.21
8. Sanitary landfills, quarries, airports, cemeteries.
9. Railroad rights-of-way and essential community facilities.
10. Tourist courts, tourist homes, motor courts, motels, and hotels.
11. Accessory structures or uses customarily incidental in any of the aforementioned Special Exceptions.
12. A single mobile home on a single-family lot.
13. Retirement or assisted-living facilities and nursing homes in accordance with the provisions of Section 6.29.
14. RV Park Developments in accordance with the provisions of Section 6.28.

*(Section 5.213 as amended by Ordinance 355 dated October 27, 2015)*

5.214 Standards for Uses Permitted on Appeal:

1. All Special Exceptions in RR Districts should comply with the intent expressed for this district, Section 5.211.
2. Special Exceptions for uses not directly related to the promotion of reserved residential uses or not classified as providing essential facilities and services for residents of RR Districts shall not be issued by the Board of Adjustment unless it can be shown to the satisfaction of the Board of Adjustment that such use would not be detrimental to the preservation of RR lands; and
3. That no other available lands within the City of Troy are suitable for such development.
4. Standards for uses permitted on appeal must meet the general criteria established in Section 8.512 of this Zoning Ordinance.

5.215 Uses Prohibited:

1. Residential, commercial, and industrial uses not specifically permitted.
2. Unless permitted on appeal, any use of a single dwelling unit in this zoning district other than as a residence of a single family as defined in this Ordinance is expressly prohibited. Any such prohibited use shall be unlawful and any persons residing together in a single dwelling unit in violation of this prohibition shall each be deemed to be unlawfully in violation of this

Ordinance. It shall be unlawful for any person, firm, corporation, company, partnership, business, association, or other entity of any type owning or having charge or control of any residential premises in this zone district to lease, sell, or permit occupancy of any single dwelling unit in violation of this section, and the same shall be deemed to be an unlawful violation of this Ordinance.

*(Section 5.215 as amended by Ordinance 319 dated October 11, 2011)*

- 5.216 Required Lot Area, Lot Width, Yards and Building Area: Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum required lot area ..... 15,000 square feet

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Pike County Board of Health, Board of Health minimums shall prevail.

Minimum Required:

Corner lot width at building line ..... 100 feet

Inside lot width at building line ..... 100 feet

Corner lot yard width from all streets ..... 35 feet

Depth of front yard ..... 45 feet

Width of each side yard ..... 20 feet

Rear yard ..... 40 feet

Maximum total building area of total lot .....20%

Accessory Structures:

Rear and side yard ..... 5 feet

- 5.217 Height of Buildings: No building shall exceed two and one-half (2 ½) stories or 35 feet in height except in the case of towers, spires, domes or other such structures not designed for human occupancy, which may exceed this height provided such structures comply with the provisions of all other pertinent codes and ordinances, and provided further, that such structures are located no closer to the nearest property lines than the distance equal to their height plus ten (10) feet.

**5.22 R-1: Low Density Residential:**

- 5.221 Statement of Intent: The intent of the R-1, Low Density Residential District is to provide a quality living environment through the provision of land for low density residential uses consisting of single family dwellings and essential community facilities and services supporting such residential uses.

5.222 Uses Permitted:

1. Single Family dwellings and associated accessory structures and uses customarily incidental thereto. Unless permitted on appeal, any use of a single dwelling unit in this zone district other than as a residence of a single family as defined in this Ordinance is expressly prohibited. Any such prohibited use shall be unlawful and any persons residing together in a single

dwelling unit in violation of this prohibition shall each be deemed to be unlawfully in violation of this Ordinance. It shall be unlawful for any person, firm, corporation, company, partnership, business, association, or other entity of any type owning or having charge or control of any residential premises in this zone district to lease, sell, or permit occupancy of any single dwelling unit in violation of this section, and the same shall be deemed to be an unlawful violation of this Ordinance.

2. On-site signs, only in accordance with the provisions specified in Article 6.21.

*(Section 5.222 as amended by Ordinance 249 dated May 9, 2006)*

5.223 Uses Permitted on Appeal:

1. Schools, churches, public facilities.
2. Public parks, recreational facilities, public utilities.
3. Associated structures or uses customarily incidental to the uses permitted on appeal.
4. Home Occupations only in accordance with the provisions specified in Article 6.24.

5.224 Standards for Uses Permitted on Appeal:

1. All uses permitted on appeal in R-1 District shall be in compliance with the intent of this district as expressed in Section 5.221.
2. Non-residential uses permitted on appeal defined as compatible in the residential area shall have property access to an identified collector street.
3. The use of exterior lighting systems for special uses shall be allowable only on approval of the Board of Adjustment.
4. Hours of operation for non-residential uses permitted on appeal in a Residential R-1 District may be limited by the Board of Adjustment to promote the intent of this Ordinance.
5. All uses permitted on appeal must meet the general criteria established in Section 8.512 of this Zoning Ordinance.

5.225 Uses Prohibited:

1. Mobile homes.
2. Commercial and industrial uses not specifically permitted.
3. Multi-family dwellings.
4. Unless permitted on appeal, any use of a single dwelling unit in this zone district other than as a residence of a single family as defined in this Ordinance is expressly prohibited. Any such prohibited use shall be unlawful and any persons residing together in a single dwelling unit in violation of this prohibition shall each be deemed to be unlawfully in violation of this Ordinance. It shall be unlawful for any person, firm, corporation, company, partnership, business, association, or other entity of any type owning or having charge or control of any residential premises in this zone district to

lease, sell, or permit occupancy of any single dwelling unit in violation of this section, and the same shall be deemed to be an unlawful violation of this Ordinance.

*(Section 5.225 as amended by Ordinance 249 dated May 9, 2006)*

5.226 Required Lot Area, Lot Width, Yards and Building Area: Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum required lot area ..... 15,000 square feet

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Pike County Board of Health, Board of Health minimums shall prevail.

Minimum Required:

Corner lot width at building line ..... 100 feet

Inside lot width at building line ..... 100 feet

Corner lot yard width from all streets ..... 35 feet

Depth of front yard ..... 35 feet

Width of each side yard ..... 10 feet

Rear yard ..... 40 feet

Maximum total building area of total lot ..... 35%

Accessory Structures:

Rear and side yard ..... 3 feet

5.227 Height of Buildings:

1. No building shall exceed two and one-half (2 ½) stories or 35 feet in height.
2. No accessory structure shall exceed two (2) stories or 25 feet in height.
3. No building shall exceed two and one-half (2 ½) stories of 35 feet in height except in the case of towers, to include TV and short wave radio antenna, spirals, domes, or other such structures not designed for human occupancy, which may exceed this height provided that such structures comply with the provisions of all other pertinent codes and ordinances, and further provided, that such structures are located no closer to the nearest property lines than the distance equal to their height plus ten (10) feet.

**5.23 R-2: Medium Density Residential:**

5.231 Statement of Intent: The intent of this district is to promote a quality living environment through the provision of land for medium density residential uses including single family and duplex residences on moderate lots and essential community facilities and services for such residential uses.

5.232 Uses Permitted:

1. Single family and two-family dwellings.
2. On-site signs, only in accordance with the provisions specified in Article 6.21.



5.233 Uses Permitted on Appeal:

1. Churches, schools, public facilities.
2. Public parks, recreational facilities, public utilities.
3. Associated accessory structures or uses customarily incidental to the uses permitted on appeal.
4. Home occupations, only in accordance with the provisions of Section 6.24.
5. Townhouses as specified in these district regulations.
6. Multi-family structures.

5.234 Standards for Uses Permitted on Appeal in R-2 Districts:

1. All uses permitted on appeal in an R-2 District shall be in compliance with the intent of these district regulations as expressed in Section 5.231.
2. Uses permitted on appeal not directly related to the promotion of a quality living environment and not classified as providing essential facilities and services for residences of this district shall not be the Board of Adjustment.
3. Non-residential uses permitted on appeal defined as compatible in an R-2 District shall have property access to an identified collector street.
4. The use of exterior lighting systems for uses permitted on appeal in an R-2 District shall be allowable only on approval of the Board of Adjustment. Such systems, if approved, must be so designed as to reflect the light away from adjoining premises and streets.
5. Hours of operation for non-residential uses permitted on appeal in an R-2 District may be limited by the Board of Adjustment to further promote the intent of this Ordinance.
6. All uses permitted on appeal must meet the general criteria established in Section 8.512 of this Zoning Ordinance.
7. Non-residential uses shall conform to the off-street parking requirements set forth in Section 6.22.

5.235 Uses Prohibited:

1. Mobile homes.
2. Commercial and industrial uses not specifically permitted.

5.236 Required Lot Area, Lot Width, Yards and Building Areas: Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum required lot area:

Single family dwellings..... 12,000 square feet

Two-family dwellings ..... 15,000 square feet

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Pike County Board of Health, the Board of Health minimums shall prevail.

Minimum Required:

Corner lot width at building line:

Single family house ..... 90 feet

Two-family dwellings ..... 100 feet

Inside lot width at building line:

Single family dwelling ..... 75 feet

Two-family residences ..... 85 feet

Corner lot yard width from all streets ..... 35 feet

Depth of front yard ..... 35 feet

Width of each side yard ..... 10 feet

Two and multi-family residences ..... 12 feet

Minimum required rear yard ..... 40 feet

Maximum total building area of total lot ..... 35%

Accessory Structures:

Rear and side yard ..... 3 feet

5.237 Special Requirements for Townhouses/Condominiums:

1. No Building Permit shall be issued for townhouses, and the Board of Adjustment shall not issue a Special Exception involving townhouses, except upon a favorable or conditionally favorable report from the Planning Commission. Prior to issuing a favorable report the Planning Commission shall seek the advice and recommendations of the Planning staff, and shall determine that the proposed townhouses are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the Building Permit. If Special Exception is involved, the Board of Adjustment shall not grant such Exception except with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.
2. It is the intent of this Ordinance that townhouses in areas where they are or may be permitted.
  - (1) May be appropriately intermingled with other types of housing.
  - (2) Shall not form long, unbroken lines of row housing.
  - (3) Shall constitute grouping making efficient, economical, comfortable, and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangements of yards and building areas.
3. In line with the general considerations above, the following site plan and design criteria are established:
  - (1) In groups of townhouses, no two (2) contiguous townhouses shall share the same front line or roof line, the minimum offset for each townhouse

shall be three (3) feet. Not less than four (4) or more than eight (8) townhouses shall be contiguous.

- (2) Minimum width for the portion of the lot on which a townhouse is to be constructed shall be 18 feet.
- (3) Minimum lot area shall be 2,000 square feet.
- (4) No portion of a townhouse or accessory structure in or related to one (1) townhouse complex shall be closer than 20 feet to any portion of a townhouse or accessory structure related to another townhouse complex, or to any building outside the townhouse area.
- (5) Each townhouse shall be constructed on its own lot. Townhouses constructed in condominium developments may be excepted from this requirement by the Planning Commission.
- (6) No side yard shall be required except at the unattached ends of a townhouse complex, in which case the minimum width shall be ten (10) feet. Minimum depth of front yard shall be twenty (20) feet.
- (7) Each townhouse shall have on its own lot one (1) yard containing no less than 400 square feet, reasonably secluded from view from streets or from neighboring property. In condominium townhouse developments not subdivided into individual lots, one (1) yard containing not less than 400 square feet, reasonably secluded from view from streets or from neighboring property, shall be provided contiguous to, and for the private use of the occupants of each dwelling unit.
- (8) Off-Street parking shall be provided at the rate of two (2) spaces per townhouse. Insofar as practicable, off-street parking facilities shall be grouped in bays, whether adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
- (9) In townhouse developments with a total area greater than five (5) acres at least 20% of the total area shall be devoted to common open space, exclusive of parking areas of accessory buildings. Such common open areas may include recreational facilities.

In addition, the developer of a townhouse development or home owners association created by the developer, by recorded covenants and restrictions shall preserve for the owners and occupants of the development such lands set aside for open areas, parks or recreational use and the common off-street parking established for the development.

- (10) Story and building height requirements shall be in accordance with those specified for the district in which the townhouse is located.
- (11) No townhouse shall be developed on sites less than two (2) acres. The maximum density for a townhouse complex shall be eight (8) units per acre.

5.238 Height of Buildings: All heights permitted in and regulated by the provisions for an R-1, Residential District.

**5.24 R-3: High Density Residential:**

5.241 Statement of Intent: The intent of the R-3: High Density Residential District is to promote an opportunity for various living environments by providing land for high density residential uses appropriate to the environmental character of the Troy area and including provisions for those non-residential uses considered compatible with the character of the residential district itself and providing essential community services for residents of the community.

5.242 Uses Permitted:

1. All uses in and regulated by the provisions for an R-2, Medium Density Residential District.
2. Townhouses as regulated in Section 5.237.
3. Multi-family structures.
4. Cottage Housing Developments as regulated in Section 5.248 of these District Regulations.

*(Section 5.242 as amended by Ordinance 315 dated September 27, 2011)*

5.243 Uses Permitted on Appeal:

1. All uses permitted on appeal in an R-2, Medium Density Residential District.
2. Rooming, tourist, and boarding houses provided that the floor area for such proposed use shall not exceed 75% of the total floor area of the residence.
3. Home occupations, only in accordance with Article 6.24.
4. Retirement or assisted-living facilities and nursing homes in accordance with the provisions of Section 6.29.

*(Section 5.243 as amended by Ordinance 355 dated October 27, 2015)*

5.244 Standards for Uses Permitted on Appeal in R-3 Residential District:

1. All uses permitted on appeal in an R-3, Residential District shall be in compliance with the intent of the district regulations as expressed in Section 5.241.
2. Uses permitted on appeal in an R-3, Residential District shall conform to the standards for uses permitted on appeal as specified in Section 5.234 for R-2 District.
3. All uses permitted on appeal must meet the general criteria as established in Section 8.512.
4. Non-residential uses shall conform to the off-street parking requirements set forth in Section 6.22.

5.245 Uses Prohibited:

1. Mobile homes.
2. Commercial and industrial uses not specifically permitted.

5.246 Required Lot Area, Lot Width, Yards and Building Area: Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum required lot area:

Single family dwellings ..... 9,000 square feet  
Two-family dwellings ..... 12,000 square feet  
Each additional unit ..... 2,000 square feet

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Pike County Board of Health, Board of Health minimums shall prevail.

Minimum required corner lot width at building line:

Single family residence ..... 75 feet  
Two and multi-family residence ..... 95 feet

Minimum required inside lot width at building line:

Single family dwelling ..... 60 feet  
Two and multi-family residences ..... 80 feet

Minimum required corner lot yard width from all streets ..... 30 feet

Minimum required depth of front yard ..... 30 feet

Minimum total side yards ..... 17 feet

Minimum one-side yards ..... 7 feet

Minimum required rear yard ..... 35 feet

Maximum total building area of total lot area ..... 40%

Accessory Structures:

Rear and side yard ..... 3 feet

5.247 Height of Buildings: All heights permitted in and regulated by the provisions for an R-2, Medium Density Residential District.

5.248 Cottage Housing Developments (CHD):

1. Statement of Intent: The intent of this section is to: (1) provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households); (2) provide opportunities for ownership of small, detached dwelling units within a single-family neighborhood; (3) encourage creation of more usable open space for residents of the development through flexibility in density and lot standards; (4) support the growth management goal of more efficient use of urban residential land; and, (5) provide guidelines to ensure compatibility with surrounding land uses.
2. Applicability: Cottage Housing Developments (CHDs) shall be permitted in the R3: High Density Residential District as platted lots, condominium projects, or under a multi-family ownership model (all dwelling units on one lot under one ownership).

3. Development Standards:

a. Cottage Housing Development Size:

- i. CHDs are not permitted on sites less than .75 acres in size (a site may be composed of more than one contiguous lot).
- ii. CHDs shall contain clusters consisting of a minimum of four (4) dwelling units and a maximum of twelve (12) dwelling units.

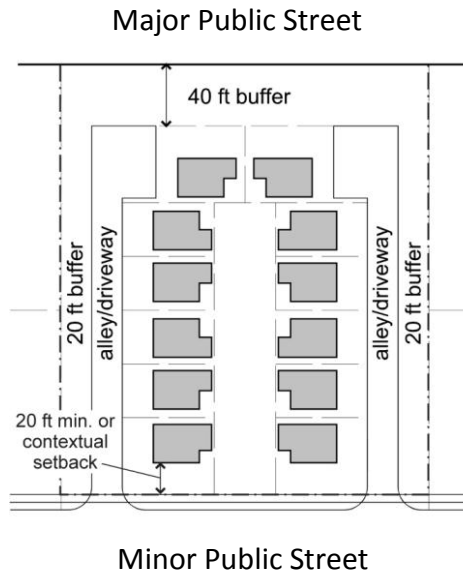
b. Locational Criteria: A CHD shall be separated from another CHD by a minimum of 660 feet measured between the closest points of the subject properties.

c. Calculation of Cottage Housing Development Units (Density): In the R3: High Density Residential District or Districts subject to the regulations of the R3: High Density Residential District, one dwelling unit is permitted for each 2,500 square feet of lot area based on gross lot size.

d. Frontage Conditions: The site for a Cottage Housing Subdivision must contain a minimum of fifty foot (50') street frontage on a public street whose right-of-way is not less than fifty feet (50') and each lot within the CHD must be in compliance with the following:

- i. Each lot shall front on and have a covered porch and main entry facing a Common Space, except those lots, nearest the fronting Public Street, which shall front on the Public Street and Common Open Space. In no case shall such arrangement cause the rear of a unit to front on a local street.
- ii. Where a CHD is to be developed on an existing reverse frontage lot, the rear of the cottage lots may face the public street of higher classification provided that such lots are separated from the public street by one of the following: 1) an Alley/Driveway and a twenty (20) ft landscaped buffer consisting of evergreen trees spaced no greater than twenty-five (25) ft on center and a continuous, evergreen hedge or 2) a forty (40) ft landscaped buffer consisting of evergreen trees spaced no greater than twenty-five (25) ft on center and a continuous, evergreen hedge.

CHD, example with reverse-frontage site



e. Site Design:

- i. Common open spaces shall have dwelling units abutting at least two sides.
- ii. Lots within CHDs are not required to abut a public street right-of-way, but must be in compliance with subsection “d” above in this Section.
- iii. The development of dwelling units or common open space in areas with slopes exceeding 15 percent is not encouraged. Dwelling units shall not be placed in such areas if extensive use of retaining walls is necessary to create building pads, or open space areas.

f. Common Open Space:

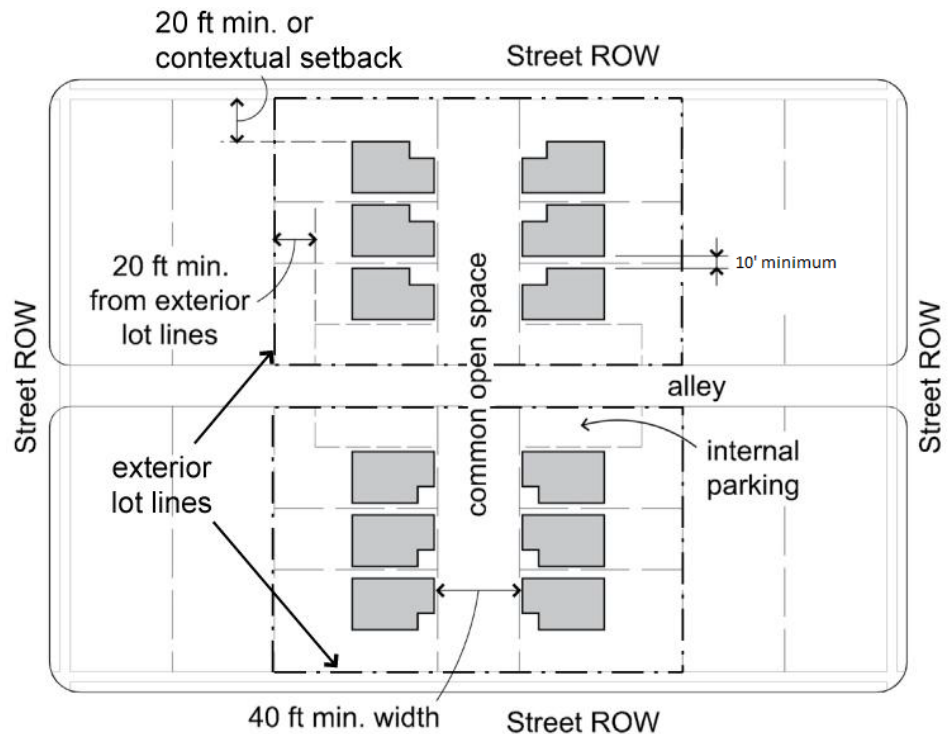
- i. A minimum of 500 square feet of common open space shall be provided per dwelling unit.
- ii. Common open space within a CHD shall be a minimum of 3,000 square feet in size, regardless of number of dwelling units.
- iii. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 10-feet, unless part of a pathway or trail.
- iv. In CHDs designed as plated lots or condominium projects, common open space shall be located in a separate tract or tracts.
- v. Required common open space shall be divided into no more than two separate areas per cluster of dwelling units.
- vi. Common open space shall be improved for passive or active recreational use. Examples may include, but are not limited to, courtyards, orchards, landscaped picnic areas or gardens. Common open space shall include amenities such as seating, landscaping, trails, gazebos, barbeque facilities, covered shelters, or water features.

Surface water management facilities shall not be located in a common open space area.

- g. Private Open Space: Each dwelling unit shall provide a minimum of 400 square feet of private front yard space.
  - i. Examples include lawn area, courtyards, and patios.
  - ii. No dimension of a private open space area used to satisfy the minimum square footage requirement shall be less than 9-feet.
- h. Permitted Total Floor Area per Dwelling:
  - i. One-Story Units: 800 – 1,000 sf
  - ii. Two-Story Units: 1,200 – 1,400 sf
  - iii. Floor area is the area within the surrounding exterior walls, but excluding space where the floor to ceiling height is less than six (6) feet. Floor area does not include covered porches. The Administrator shall use appropriate discretion, consistent with the intent of this Article in determining area to be counted in the calculation of maximum square footage.
- i. Maximum Height: two (2) habitable stories
- j. Covered Porch:
  - i. Each Dwelling Unit shall have a primary entry and covered porch of at least sixty (60) sf and be a minimum of six (6) feet deep oriented towards the common open space.
  - ii. If such dwelling is constructed on those lots, nearest the fronting Public Street, which shall front on the Public Street and Common Open Space, said dwelling unit shall have a primary entry and covered porch of at least sixty (60) sf and be a minimum of six (6) feet deep oriented towards the Public Street and shall have a secondary entry and covered porch of at least sixty (60) sf and be a minimum of six (6) feet deep oriented towards the common open space.
- k. Minimum Building Setbacks:
  - i. No unit shall be less than twenty (20) ft from an exterior lot line nor less than the contextual setback from and public street right-of-way.
  - ii. No setback is required between a unit and the Common Open Space; however, no building projections shall be located in the Common Open Space.
- l. Alley Setback: Where located along an existing Alley, Structures and parking shall be set back from the Alley centerline no less than twelve (12) ft. Where a common driveway is constructed for the Cottage Subdivision, there shall be a minimum Setback of twenty (20) ft between the common driveway and any Rear or Side Lot Line of Abutting properties. Within this Setback shall be provided a natural Buffer consisting of evergreen trees spaced no greater than twenty-five (25) ft on center and a continuous, evergreen hedge.



CHD, example with access by existing alley



- m. Setbacks and Building Separation: Dwelling units shall have 15-foot front and 5-foot side and rear yard setback requirements. Dwelling units shall be separated by a minimum of 10-feet, not including projections. Dwelling units and accessory buildings shall be separated by six feet.
- n. Lot Coverage: Lot coverage in CHDs shall not exceed 60 percent of gross site area. Lot coverage shall be calculated for the overall CHD, not for individual lots. Paved components of common open space areas and walkways shall not be counted in lot coverage calculations.
- o. Common Area Maintenance:
  - i. CHDs shall be required to implement a mechanism to ensure the continued care and maintenance of CHD common areas and facilities.
  - ii. In CHDs designed as plated lots or condominium projects, the following shall apply:
    - 1. Owner's Association: An association representing the owners shall own the Common Open Space or facility in perpetuity. Membership in the association shall be mandatory and automatic for all owners and their successors. The association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Common Open Space and/or facilities located thereon shall be borne by the association.
    - 2. Management Plan: The Applicant shall submit a Plan for Management of Open Space and/or Common Facilities that:
      - a. allocates responsibility and guidelines for the maintenance and operation of the Common Open Space/facilities including

provisions for ongoing maintenance and for long-term capital improvements;

- b. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Common Open Space/facilities and outlines the means by which such funding will be obtained or provided;
- c. provides that any changes to the Plan be approved by the Commission; and
- d. provides for enforcement of the Plan.

p. Parking:

- i. A minimum of two (2) parking spaces per dwelling unit shall be provided for the entire development.
- ii. Parking spaces shall:
  - 1. Be clustered together or provided individually at the rear of each dwelling.
  - 2. Be separated from the common area by landscaping, wall or architectural screen; and
- iii. Surface parking lots shall be broken into sub lots of no more than 8 parking spaces. Sub lots shall be separated by landscaped bulb-outs a minimum of 12-feet in width.
- iv. Minimum Parking Setback: Forty (40) ft from a public street right-of-way and twenty (20) ft from exterior lot lines. Within this Setback there shall be provided a natural Buffer consisting of evergreen trees spaced no greater than twenty-five (25) ft on center and a continuous, evergreen hedge.
- v. Surface parking lots of more than 2 spaces, visible from a public right-of-way (not including alleys) or adjacent single-family uses or zones shall be screened with a natural Buffer consisting of evergreen trees spaced no greater than twenty-five (25) ft on center and a continuous, evergreen hedge.
- vi. Garages or Carports:
  - 1. Garages or Carports are optional.
  - 2. No more than 50 percent of covered parking spaces may be carports.
  - 3. Garage doors shall not be oriented towards a public right-of-way with the exception of an alley.
  - 4. No shared garage or carport may exceed 800 square feet in size.
  - 5. Garages and carports shall not be located between the common open space and the dwelling units.

6. Parking in the form of garages or carports may occupy no more than 40 percent of site frontage on a public right-of-way, except in the case of an alley, in which case no restriction applies.

4. General Provisions:

- a. A community building, not exceeding 2,000 square feet, may be provided for the residents of the CHD. Roof pitch, architecture, materials, and colors shall be similar to that of the dwelling units within the CHD.
- b. Accessory Dwelling Units are not permitted in the CHD.
- c. All CHDs must be developed with sanitary sewer that is installed in a manner prescribed by the City Utility Department Standards and Specifications.
- d. The CHD site design and/or engineering plan shall be reviewed for adequate stormwater drainage and/or detention.
- e. For those CHDs processed as a condominium or platted lots, all development standards of this article shall be reviewed by the Administrator as a component of the review process.

5. Modifications: Applicants may request modifications/variance to the development standards of this article for a development. The Board of Adjustment may, in its sole and absolute discretionary judgment, modify the above referenced provisions of this article if all of the following apply:

- a. The site is constrained due to unusual shape, topography, easements or critical areas.
- b. The modification is consistent with the purpose/intent of this Section (5.248).
- c. The modification will not result in a project that is less compatible with the neighboring land uses.

*(Section 5.248 as added by Ordinance 315 dated September 27, 2011)*

**5.25      A-1:      Apartments Residential:**

5.251      Statement of Intent: The intent of the A-1, Apartments Residential District is to provide an expanded choice of residential areas for the residents of the City of Troy by providing land for high density residential uses and including provisions for those non-residential uses considered compatible with the character of the residential district itself and providing essential community services for residents of the community.

5.252      Uses Permitted:

1. All uses permitted in the R-3, High Density Residential District.
2. Multi-family / Apartment structures.
3. Accessory structures, such as a rental office, coin laundry, vending machines, snack bar, garage structures, centrally located mail facility, etc., for the operation of a multi-family dwelling or apartment development and for use by only the residents and employees of the multi-family dwelling or apartment development.

4. Recreational facilities designed and intended to serve only the residents of the multi-family dwelling or apartment development.
5. Retirement or assisted-living facilities and nursing homes in accordance with the provisions of Section 6.29.

*(Section 5.252 as amended by Ordinance 355 dated October 27, 2015)*

5.253 Uses Permitted on Appeal:

1. All uses permitted on appeal in an R-3, High Density Residential District.
2. Rooming, tourist and boarding houses provided that the floor area for such proposed use shall not exceed 75% of the total floor area of the residence.
3. Home Occupations, only in accordance with Article 6.24.

5.254 Standards for Uses Permitted on Appeal in A-1 Residential District:

1. All uses permitted on appeal in an A-1, Residential District shall be in compliance with the intent of these district regulations as expressed in Section 5.251.
2. Uses permitted on appeal in an A-1, Residential District shall conform to the standards for uses permitted on appeal as specified in Section 5.244 for R-3 District.
3. All uses permitted on appeal must meet the general criteria established in Section 8.512.

5.255 Uses Prohibited: Residential, commercial and industrial uses not specifically permitted.

5.256 Required Lot Area, Lot Width, Yards and Building Area: Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum required lot area:

Single family dwellings.....	15,000 square feet
Two-family dwellings .....	20,000 square feet
Each additional unit .....	2,000 square feet

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Pike County Board of Health, Board of Health minimums shall prevail.

Minimum required corner lot width at building line:

Single family residence .....	75 feet
Two and multi-family residence .....	95 feet
Offices .....	100 feet

Minimum required inside lot width at building line:

Single family dwellings.....	60 feet
Two and multi-family dwellings.....	80 feet
Offices .....	90 feet

Minimum required corner lot yard width from all streets ..... 30 feet  
 Minimum required depth of front yard ..... 30 feet  
 Minimum total side yard ..... 17 feet  
 Minimum one-side yards ..... 7 feet  
 Minimum required rear yard ..... 35 feet  
 Maximum total building area of total lot area ..... 40%

Accessory Structures:

Rear and side yard ..... 3 feet  
 Maximum Density ..... 13 units per acre

5.257 Height of Buildings: All heights permitted in and regulated by the provisions for an R-3, High Density Residential District.

**5.26 MHR: Mobile Home Residential:**

5.261 Statement of Intent: It is the intent of this district to allow for the placement of mobile homes defined in Section 11.24 of the Zoning Ordinance, or single-family lots in subdivisions established solely for the purpose of home ownership.

5.262 Uses Permitted:

1. Single-family mobile homes.
2. Support services necessary to service the needs of the residents of the MHR District.
3. Accessory uses and structures.
4. Recreational facilities.
5. Any permitted use or use permitted on appeal in the R-1 District and subject to the district requirements thereof.

5.263 Uses Permitted on Appeal in the MHR District:

1. Public utilities.
2. Semi-public buildings and uses.
3. Home Occupations, only in accordance with Article 6.24.

5.264 Standards for Uses Permitted on Appeal in the MHR Residential District:

1. All uses permitted on appeal in the MHR Residential District shall be in compliance with the intent of the district regulations as expressed in Section 5.261.
2. All uses permitted on appeal in an MHR District shall conform to the standards for uses permitted on appeal as expressed in Section 5.224.
3. Uses permitted on appeal in the MHR District shall conform to the standards set forth in Section 8.512.

5.265 Uses Prohibited: Residential, commercial and industrial uses not specifically permitted.

5.266 Required Lot Area, Lot Width, Yards and Setbacks: Dwellings and other structures shall be located so as to comply with the following requirements:

Minimum lot area ..... 9,375 square feet

Minimum lot width ..... 75 feet

Minimum lot depth ..... 125 feet

Minimum side yard

Interior side

Between mobile home and side lot line ..... 12 feet

Between mobile home and any permanent building ..... 25 feet

Street side on corner lots ..... 20 feet

Minimum rear yard ..... 20 feet

Maximum building area ..... 45%

Accessory Structures:

Rear and side yard ..... 5 feet

Off-street parking requirements:

Per mobile home lot ..... Two (2)

5.267 Height of Buildings/Screening Requirements/Site Requirements:

1. All heights regulated in Section 5.227 of this Zoning Ordinance.
2. Each mobile home dwelling shall remove the wheels and towing or tongue or hitch.
3. No later than 30 days after placement of a mobile home dwelling on a site, the area between the bottom of the unit and the ground shall be enclosed by “screening or skirting” on all sides and ends. An inspection will be conducted no later than 32 days after the placement of the dwelling on the site for compliance to these regulations.

**5.27 MH: Mobile Home Park:**

5.271 Statement of Intent: It is the intent of this district to allow for mobile home parks to be established where mobile home spaces can be rented, for compensation. The purpose of the district is to provide an expanded choice of housing opportunities for all socio-economic classes.

5.272 Permitted Uses:

1. Mobile home parks as regulated in these district requirements.
2. Accessory structures providing services only to residents of the mobile home park.
3. Recreation facilities.

5.273 Uses Permitted on Appeal in the MH District:

1. Public utilities.

2. Semi-public buildings and uses.
3. Home Occupations, only in accordance with Article 6.24.

5.274 Standards for Uses Permitted on Appeal:

1. All uses permitted on appeal in the MH District shall be in compliance with the intent of the district regulations as expressed in Section 5.271.
2. All uses permitted on appeal in the MH District shall conform to the standards for uses permitted on appeal in Section 5.224.
3. All uses permitted on appeal in the MH District shall conform to the standards set forth in Section 8.512.

5.275 Uses Prohibited: Residential, commercial and industrial uses not specifically prohibited.

5.276 Development Requirements: The following minimum standards shall apply to all mobile home parks in the City of Troy:

1. All parks shall have at least ten (10) mobile home lots whose minimum size shall be 40 x 80 feet; and no lot may be occupied until at least five (5) lots within the park have been fully developed.
2. All internal park streets shall have a minimum 20 feet wide all-weather surface. At least one (1) off-street parking space shall be provided on each lot.
3. All sewage disposal facilities and water supply facilities must be approved by the State Health Department. Sewage facilities and water supply shall be provided on each lot.
4. All plumbing within any mobile home park shall comply with the "Plumbing Installation Standards for Mobile Homes and Travel Trailer And Parks," set forth by the Southern Standard Plumbing Code, 1982 Edition, as amended.
5. All mobile home parks shall have front, rear, and side yards of at least 20 feet wide which are planted and maintained.
6. All mobile home parks shall have either a five (5) pound dry chemical extinguisher or pressure water hose protected from freezing within 100 feet of each mobile home.
7. Each lot in any mobile home park shall be provided with two (2) 30 gallon refuse cans having vermin-proof lids, so secured that animals cannot spill them. Regular garbage and refuse pick-up service must be provided at each mobile home park.
8. Each mobile home park shall have its lots situated such that no mobile home is located within 25 feet of any other mobile home or permanent structure; except that an individual storage shed or locker having not over 100 square feet floor space may be provided on any lot.
9. Each mobile home park providing ten (10) or more mobile home spaces must provide suitable playground area of not less than 300 square feet for each mobile home space.

10. Electrical connections to each lot shall conform to the specifications of the National Electrical Code, as amended. At least one (1) street or night light shall be provided for each ten (10) lots or a fraction thereof.
11. Site Considerations:
  - (1) The selection of the site of a mobile home park shall take into account the proximity of environmental factors which exist or may result from the change in land use with regard to the health or safety or comfort of persons who are to reside in the park or persons using land in the vicinity of the site.
  - (2) No site shall be used for a mobile home park which is subject to flood or undue pooling of water, or air pollution by smoke, dust, or fumes.
12. Site plans:
  - (1) A copy of the plans for the proposed mobile home park or extension or replan of an existing mobile home park, shall be submitted to the Planning Commission for review and approval before construction begins.
  - (2) The plan shall show in detail the proposed construction or changes in land use with regard to the site boundary, street and lot layout, location, and designation of buildings and other facilities including detailed plans for water supply, sewerage and sewage disposal, garbage disposal, and area drainage.
  - (3) In approving a mobile home park site, there may be imposed such reasonable requirements as to screening and other features of the development as are deemed necessary to protect property and prevent objectionable conditions.
13. Rules:
  - (1) Each mobile home park shall operate under supervision of a manager who shall be reasonably available at all times.
  - (2) The mobile home park management shall furnish and hand to each responsible mobile home resident at the first occupancy a printed set of rules for residents of the park, with any changes thereto included, which shall include a statement of when and where the park manager will be available, and the rules in regard to storage, garbage, trash, animals, pets, water and sewer, frost proofing, and other matters having a bearing on area sanitation, health and safety.
  - (3) A copy of the rules referred to in 2. and all changes thereto shall be presented to the State Health Department for review and record.
14. Permits Prescribed:
  - (1) The State Health Department shall issue permits to persons who operate mobile home parks which comply with the above regulations.
  - (2) It shall be unlawful for any person to engage in the operation of a mobile home park, without having applied for and obtained from the



State Health Officer a permit based on satisfactory compliance with the foregoing specifications and regulations.

- (3) The said permit shall be issued without charge to the permittee; shall be nontransferable with respect to persons or establishments; shall be kept posted in a conspicuous place in the establishment; shall automatically expire on the date upon which state and county privilege licenses expire annually; and shall be renewable during the 60 days prior to that date each year.
- (4) The issuance of a permit for the operation of a mobile home park, for a year, for part of a year, or for operation at a new location, shall be conditioned upon compliance with regulations as determined by one (1) or more inspections.
- (5) The said permit may be revoked because of the violation of any of the provisions of this Ordinance; provided that the holder of said permit shall have the legal right of appeal.

**5.277      PH50:      Patio Home:**

1. No Building Permit shall be issued for patio homes, and the Board of Adjustment shall not issue a Special Exception or Variance involving patio homes, except upon favorable report, the Planning Commission shall seek the advice and recommendations of the City Planner, and shall determine that the proposed patio homes are designed in such a manner as to be in harmony with the character of the surrounding neighborhood. Where conditions are attached by the Planning Commission, they shall be included as part of the Building Permit. If Special Exceptions or Variances are involved, the Board of Adjustments shall not grant such Exception except with the conditions attached by the Planning Commission, but the Board may add conditions in granting approval.
2. It is the intention of this Ordinance that patio homes in areas where there are permitted may be appropriately intermingled with other types of housing; shall constitute groupings making efficient, economical, compatible and convenient use of land and open space; and serve the public interest providing an alternative to conventional arrangements of yards and building areas.
3. Patio homes shall be permitted in the following zoning districts, PH-50: Patio Home Residential, R-2: Medium Density Residential, R-3: High Density Residential and R-R: Reserved Residential, provided that the following criteria are met:
  - a. Patio Homes shall be developed on curbed and guttered streets and sanitary sewer must be installed in a manner prescribed by the City Utility Department Standards and Specifications.
  - b. Patio Homes permitted in the PH-50: Patio Home Residential, R-2: Medium Density Residential and R-R: Reserved Residential shall be used as Single Family Dwellings. Unless permitted on appeal, any use of a Patio Home in these zoning districts other than as a residence of a single family as defined in this Ordinance is expressly prohibited. Any such prohibited use shall be unlawful and any persons residing together in a single

dwelling unit in violation of this prohibition shall each be deemed to be unlawfully in violation of this Ordinance. It shall be unlawful for any person, firm, corporation, company, partnership, business, association, or other entity of any type owning or having charge or control of any residential premises in this zone district to lease, sell, or permit occupancy of any single dwelling unit in violation of this section, and the same shall be deemed to be an unlawful violation of this Ordinance.

4. In line with the general consideration above, the following site plan and design criteria are established:
  - (1) Each patio home shall be constructed on its own lot, shall be a minimum width of 50 feet at the building line, and a minimum lot area shall be 6,000 square feet.
  - (2) Each patio home lot shall have one (1) side yard with a minimum of five (5) feet and one (1) with a minimum of ten (10) feet. Minimum depth of front yards shall be 20 feet. Minimum depth of rear yards shall be 20 feet. Side yards may be averaged, but shall not be less than eight (8) feet. Fireplace and chimney may be placed in the side or rear yard setback provided they do not project beyond the 30 inch permitted roof overhang, and provided they do not restrict or obstruct any drainage or drainage easement, either existing or proposed.
  - (3) The required side yard must be kept perpetually free of permanent obstructions, accessory structures, walls, and fences without gates.
  - (4) Privacy fences or walls may be placed on or along any lot lines provided that such fences or walls are not constructed in such a manner as to block any local lot drainage and provided gates or other openings are provided that will not restrict access for fire protection. An eight (8) foot maximum height limit will be permitted for privacy fences or walls located on or along any required side or rear yard.
  - (5) Each patio home shall have on its own lot one (1) yard containing not less than 600 square feet, reasonably secluded from view of streets or neighboring property.
  - (6) Maximum lot coverage permitted for the main dwelling shall be 100% of the permitted building area, not including coverage permitted for accessory buildings or structures.
  - (7) Off-street parking shall be provided at the rate of two (2) spaces per dwelling unit and shall be located within the interior of the lot. Garages shall not be credited toward the parking requirements if said garage is part of the main dwelling or attached to the main dwelling.
  - (8) The exterior walls of the patio home, or any accessory structures located on the five (5) foot side yard setback, shall not project over the property line.
  - (9) The lot adjacent to the five (5) setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts) or a

ten (10) foot side setback shall be required, provided the adjacent property is not zoned for patio homes or is not a permitted use in the adjacent zoning district.

- (10) No accessory structures shall be erected in a required front, side, street side yard, or open space. Accessory structures shall be permitted in the rear yard and shall not exceed one and one-half (1 ½) stories in height; shall not cover more than 25% of the require rear yard; and shall be permitted a zero (0) foot setback from the rear yard and five (5) feet from the side property lines, and five (5) feet from any other structure on the same lot. These requirements shall not apply to unattached open carports and garages.
- (11) Unattached garages and carports shall be permitted in addition to the 25% coverage for accessory structures, but shall not exceed 600 square feet in area; shall not be placed in any required front, side, or street side yard or open space; shall not exceed one and one-half (1 ½) stories in height; and shall be permitted a zero (0) setback from the rear and five (5) feet from the side property lines and five (5) feet from any other structure on the same lot.
- (12) All patio homes shall be developed on curbs and guttered streets and shall not be constructed without sanitary sewer being provided.

*(Section 5.277 as amended by Ordinance 319 dated October 11, 2011)*

**5.28 C-1: Neighborhood Commercial:**

5.281 Statement of Intent: The intent of the C-1: Neighborhood Commercial District is to provide limited retail convenience goods and personal services establishments in residential neighborhoods and to encourage the concentration of these uses in one (1) location for each residential neighborhood rather than stripped or scattered commercial developments occupied by individual shops throughout a neighborhood.

5.282 Uses Permitted: Retail convenience, personal service and business establishments primarily oriented to the sale of goods and provision of personal services to residents of a neighborhood and not to exceed 1,500 square feet of gross floor area. Such uses may include but are not limited to, barber shops, beauty shops, branch banks, cafes, drugstores, fruit markets, dry cleaning and laundry pick-up, flower shops, convenience grocery stores, ice cream stores, self-service stores, filling stations (not to include repair garages), appliance stores.

5.283 Uses Permitted on Appeal: Residential uses permitted in an adjoining residential district, however, such uses shall be subject to and regulated by the requirements of such adjoining residential district, except in the case where more than one (1) such district is adjoined thereto, then the least restrictive district requirements for such residential use shall apply.

Outdoor advertising signs and structures provided, however, that such use is not located within 100 feet of a residential district.

5.284 Standards for Uses Permitted on Appeal on a C-1 District:

1. All Special Exceptions permitted in the C-1 District should be in compliance with the intent of this district as expressed in Section 5.281.
2. All uses permitted must conform to standards set forth in Section 8.512.
3. Uses permitted on appeal for uses not directly related to the neighborhood orientation of commercial personal service or business uses are not classified as providing essential facilities and services for such uses shall not be issued by the Board of Adjustment unless it can be proved to the satisfaction of the Board of Adjustment the use would not be detrimental to the preservation of the commercial district.

5.285 Uses Prohibited: Major auto repair; auto wrecking and wrecker junk stores; laundry and dry cleaning plants; light or heavy manufacturing; and wholesale businesses shall be prohibited in the C-1: Neighborhood Commercial District.

5.286 Required Lot Area, Lot Width, Yards and Setbacks: All buildings hereafter constructed for uses listed in this subsection shall be so located as to comply with the following minimum requirements:

Minimum required lot area: It is the intent of this subsection that lots of sufficient size be used for the business or service permitted, provided, however, that such use shall have adequate space for normal operations plus required space for off-street parking and loading; and yard requirements.

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Pike County Board of Health, Board of Health minimums shall prevail.

Minimum Required:

Lot Width at Building Line..... 50 feet

Front Yard ..... 35 feet

Rear Yard..... 25 feet

Minimum Required side yard on corner lots along

Intersecting Streets..... 25 feet

On Interior Lots ..... 15 feet

On a lot adjoining a residential district along a side-lot line, a side yard shall be required on the side adjacent to the residential district. Such side yard shall double the minimum side yard requirements of that adjacent residential district.

Gasoline pump and pump islands shall be set back a minimum of 15 feet from all street right-of-ways.

5.287 Height of Buildings: No building shall exceed two and one-half (2 ½) stories or 35 feet in height except that public and semi-public buildings may have a height not to exceed three (3) stories or 45 feet.

Towers, spirals, domes, and other such structures not designed for human occupancy may exceed the height limitations provided that such structures comply with the

provisions of all other pertinent codes and ordinances, and provided further, that such structures are located no closer to the nearest property line than the distance equal to their height plus ten (10) feet.

**5.29 C-2: General Commercial:**

5.291 Statement of Intent: The intent of this district is to provide opportunities for retail convenience, personal services and business establishments, primarily oriented to the sale of goods and the provision of personal services with only limited production and process activities and not requiring extensive wholesale, or storage areas or generating excessive noise, smoke, vibrations, odors or other objectionable emissions which would be detrimental to adjoining land uses. Such districts are community-oriented commercial areas, rather than neighborhood-oriented and as such require location and proximity to major transportation routes.

5.292 Uses Permitted: Retail convenience, personal service and business establishments, motels, theatres, offices and banks, restaurants, filling stations, new and used automobile sales and service, funeral homes, parks and public recreational facilities, parking lots, package stores, and signs as regulated in Section 6.21.

5.293 Uses Permitted on Appeal:

1. Light warehousing or storage related to retail trades and services.
2. Manufacturing incidental to a retail trade business where articles are sold on the premises.
3. Animal clinics.
4. Hospitals.
5. Kennels.
6. Any use permitted or permitted on appeal in the R-3 District and subject to the requirements thereof.

5.294 Standards for Uses Permitted on Appeal in a C-2 District:

1. All uses permitted on appeal in a C-2 District shall comply with those standards specified for uses permitted on appeal in a C-1 District.
2. All uses permitted on appeal in the C-2 District shall be in compliance with the intent of the district regulations as expressed in Section 5.291.
3. All uses permitted on appeal shall conform to standards set forth in Section 8.512.

5.295 Uses Prohibited: Any use not specifically intended by the Statement of Intent, Section 5.291.

5.296 Required Lot Area, Lot Width, Yards and Setbacks: Buildings hereafter constructed for uses permitted in this subsection shall be so located as to comply with the following minimum requirements:

Minimum required lot width at Building line ..... 50 feet  
Minimum required front yard..... 40 feet  
Minimum required rear yard ..... 25 feet

Minimum Required side yard on corner lots

Along Intersecting Streets..... 25 feet

Along Interior Lots ..... 15 feet

Maximum building area .....40%

If access to community sewage system is not available, and a larger minimum area is required to meet the percolation standards for the Pike County Board of Health, Board of Health minimums shall prevail.

Off-street parking spaces: as regulated in Section 6.22.

Gasoline pump and pump islands shall be set back a minimum of 15 feet from all streets and right-of-ways.

Residential uses shall comply with the lot area requirements of the R-3: Residential District.

5.297 Height of Buildings: All heights permitted in and regulated by the provisions for a C-1: Neighborhood Commercial District.

**5.30 C-3: Central Business:**

5.301 Statement of Intent: The intent of this district is to provide for business and office activities, and high intensity retail sales and activities in the downtown area of Troy. This district is the central business district for the community. In a pedestrian-oriented, historically significant district; such uses as the following are promoted:

Major stores offering comparison shopping

Specialty stores

Business Services

Banks and other financial institutions

Offices

Theatres

Hotels and Restaurants

Governmental Buildings

The use of the land is intensive and this intensity of use is one of the main determinants of the downtown vitality. For a residential flair, second story loft-type apartments are a permitted use.

5.302 Uses Permitted:

1. Amusement services, such as

Amusement arcades

Bowling alleys

Theatres

2. Cultural and community facilities, such as

Art galleries

Libraries

Museums  
Y.M.C.A  
Philanthropic institutions and clubs

3. Institutional services, such as  
Nursery Schools  
Training Schools
4. Multi-family residential
5. Personal services, such as  
Beauty and barber shops  
Funeral homes  
Laundry pick-up  
Restaurants (fully enclosed, no drive-in facilities)  
Studios
6. Professional services, such as  
Banks  
Business and professional offices  
Governmental offices  
Professional organizations
7. Retail uses, such as  
Antique shops  
Art supply stores  
Appliance stores  
Bakeries  
Book stores  
Clothing stores  
Craft shops  
Department stores  
Delicatessens  
Drug Stores  
Fabric stores  
Hardware stores  
Floor covering  
Flower shops  
Garden supply shops  
Office Supply stores  
Paint stores  
Pawn shops  
Pet shops  
Shoe stores  
Toy stores  
Etc.

5.303 Uses Permitted on Appeal: Light warehousing or storage related to retail trade services.  
Uses permitted on appeal in abutting residential districts

5.304 Standards for Uses Permitted on Appeal in the C-3 District:

1. All uses permitted on appeal in the C-3 District shall comply with those standards specified for uses permitted on appeal in the C-1 District.
2. All uses permitted on appeal must conform to the standards and criteria of Section 8.512.
3. All uses permitted on appeal in the C-3 District shall be in compliance with the intent of the district as expressed in Section 5.301.

5.305 Uses Prohibited: Stockyard; live animal or live poultry sales; coal yard; lumber yard or lumber mill; auto wrecking; gasoline, oil, or alcohol storage above the ground in excess of 500 gallons; grist or flour mills; ice plant; junk; scrap paper; rag storage or bailing; stone or monument works. Any use prohibited in M-1 District.

5.306 Required Lot Area, Lot Width, Yards and Setbacks: Buildings hereafter constructed for uses permitted in this subsection shall be so located as to comply with the following requirements:

Minimum Required Lot Area: none, lots must be of sufficient size to be used for any business or service permitted herein. See lot requirements as per Section 5.296.

Off-street parking requirements: As regulated in Section 6.22 of this Zoning Ordinance.

Residential uses shall conform to the following requirements: minimum lot area per family: 500 square feet for multi-family dwellings or for dwelling units erected in conjunction with other uses.

5.307 Height of Buildings: All heights permitted in and regulated by the provisions of the C-1: Neighborhood Commercial District.

#### **5.31 C-4: Highway Commercial:**

5.311 Statement of Intent: It is the intent of this district to provide for an opportunity for the location of retail sales and businesses along the main federal highways within the City. The placement of such businesses will be conducive to the tourist trade.

5.312 Uses Permitted: Any retail or business as permitted or permitted on appeal in the C-2 District, Sections 5.292 and 5.293.

Stores intended primarily for the tourist trade.

Motels, hotels.

Filling stations or indoor repair of automobiles.

Mobile home sales and service.

Places of amusement and assembly.

Signs as regulated in Section 6.21.

Retirement or assisted-living facilities and nursing homes in accordance with the provisions of Section 6.29.

*(Section 5.312 as amended by Ordinance 355 dated October 27, 2015)*



5.313 Uses Permitted on Appeal: Large dry cleaners and laundries, manufacturing incidental to a retail trade business where articles are sold on the premises. Any use permitted or permitted on appeal in the R-3 District and subject to the requirements thereof.

Animal clinics, hospitals, or kennels.

5.314 Uses Prohibited: Uses prohibited in the C-2 District.

5.315 Standards for Uses Permitted on Appeal in the C-4 District:

1. All uses permitted on appeal in the C-4 District shall be in compliance with the intent of the district regulations as expressed in Section 5.311.
2. All uses permitted on appeal shall comply with those standards specified for uses permitted on appeal in the C-1 District.
3. Uses permitted on appeal shall conform to standards set forth in Section 8.512

5.316 Required Lot Area, Lot Width, Yards and Setbacks: Buildings hereafter constructed for uses permitted in this subsection shall be so located as to comply with the following requirements:

Minimum Lot Area: It is the intent of this subsection that lots of sufficient size be used for the business or service permitted, provided, however, that such lots shall have adequate space for normal operations plus required off-street parking, loading, and yard requirements.

Minimum required front yard..... 35 feet

Minimum required rear yard ..... 20 feet

Minimum required side yard ..... 10 feet

Maximum building area .....30%

Off-street parking requirements: as regulated in Section 6.22.

5.317 Height of Buildings: No building shall exceed two and one-half (2 ½) stories or 35 feet, except that public and semi-public buildings may have a height not to exceed three (3) stories or 45 feet.

All other heights permitted in and regulated by the provisions for the C-1 District.

## **5.32 M-1: Light Industrial:**

5.321 Statement of Intent: It is the intent of this district to provide an opportunity for industrial uses in selected areas lacking rail accessibility. It shall be the purpose of such districts to provide employment to the region and contribute to the tax base of the City. Development within such districts shall be compatible with surrounding or abutting residential districts with the suitable open spaces and landscaping, limited external effects and low intensity of development.

5.322 Uses Permitted:

1. Any use permitted or permitted on appeal in the R-3: Residential District and subject to the requirements of said district as specified in Section 5.24, and the C-4: Commercial District, and subject to the regulations of Section 5.31.
2. Contractor's or construction equipment dealer's yard.

3. Grain and feed storage.
4. Heating fuel or building material storage or wholesaling; provided that the materials shall not be extracted or processed on the premises.
5. Lumber yard.
6. Radio or television towers.
7. Truck terminal.
8. Railroad installation.
9. Warehouse.
10. Bottling plant or dairy.
11. Assembly of parts for production of finished equipment.
12. Manufacturing, fabricating, processing, or assembling uses which do not create any danger to health or safety in surrounding areas, which do not create any objectionable noise, vibration, smoke, dust, heat, odor, glare, such as the following:
  - Boats
  - Clothing
  - Food
  - Pharmaceutical
  - Furniture and Wood Products
  - Glass Products
  - Hand Tools
  - Ice
  - Musical Instruments
  - Office Machines
  - Plastic Products, not including processing or raw materials
  - Plating of Silverware or Utensils
  - Signs
  - Sporting Goods
  - Other Similar Uses
13. Accessory structures and uses.

5.323 Uses Permitted on Appeal:

1. Any use permitted or permitted on appeal in a R-3, Residential District and subject all district requirements thereof.
2. Any manufacturing or business uses not specifically prohibited.

5.324 Standards for Uses Permitted on Appeal:

1. All uses permitted on appeal in the M-1 District shall be in compliance with the intent of the district regulations as expressed in Section 5.321.
2. Uses permitted on appeal shall conform to the standards established in Section 8.512.

3. All uses permitted on appeal shall be in compliance with Section 5.336.

5.325 Uses Prohibited: Abattoir; slaughterhouse; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement mortar, plaster or paving materials; curing, tanning, or storage of hides; distillation of bones, coal, tar, or wood; fat rendering; forge plant; gasoline storage above the ground in excess of 500 gallons; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra-cotta or tile concrete blocks, candles, disinfectant, dye-stuffs, fertilizers, illuminating or heating gas including storage of same; paint, turpentine, varnish, soap, and tar products; wool pulling or scouring, junk yards; cotton waste reclaiming; and similar types of plants.

5.326 Required Lot Area, Lot Width, Yards and Setbacks: It is the intent of the Ordinance that lots of sufficient size be used for any industrial, service, or business use to provide adequate parking and loading space in addition to the space required for the other normal operation of the enterprise.

Minimum Yard Size: None specified except where existing establishments (other than residential) are setback, any new structure shall be setback not less than the average of the set-backs of the existing establishments within 100 feet each side thereof.

Minimum Building Area ..... 40% of lot area

Minimum Side Yard: None specified, excepting a lot, adjoining its side lot line (is) another lot which is in a residential district, there shall be a side yard not less than ten (10) feet wide.

Rear Yard: None specified, except where a rear lot adjoins a residential district, there shall be a rear yard not less than 25 feet.

Off-Street Parking: One (1) space for every two (2) employees of the industry on the largest shift. Also, space necessary to store overnight all vehicles incidental to the operation of the industry or use, or as regulated in Section 6.227.

Off-street Loading and Unloading: Shall provide adequate space for loading and unloading all vehicles or trucks incidental to the operation or industry as regulated in Section 6.23.

5.327 Height of Buildings: Fifty (50) feet or four (4) stories.

**5.33 M-2: Heavy Industrial:**

5.331 Statement of Intent: In areas where industrial development has already occurred and rail freight service is available, heavy industrial districts are established. It shall be the purpose of such districts to provide employment to the region and contribute to the tax base of the City. Development within such districts shall be encouraged through minimal environmental controls on use and intensity of use, such controls to be limited to accepted standards for environmental conditions and aesthetic control along the perimeter of such districts when abutting residential districts.

5.332 Uses Permitted:

1. Any use permitted or permitted on appeal in the M-1 District (Light Industrial).
2. Public utilities.

3. Jails and correctional institutions.
4. Police and fire stations.
5. Business service establishments.
6. Equipment rental agencies.
7. Motor vehicle service stations.
8. Heavy vehicular repair facilities.
9. Quarrying, processing, storage, and/or sale of stone or related products.
10. Research or testing laboratories.
11. Scrap processing, auto wrecking, and junk yards.
12. Warehousing and distribution, including wholesale business.
13. Communication transmitting and receiving facilities.
14. Heliport.
15. Principal supply utilities.
16. Sewage facilities.
17. Accessory uses and structures.
18. Signs as regulated in Section 6.21.

5.333 Uses Permitted on Appeal:

1. Any industrial, service or commercial use, except those which in the opinion of the building inspector would cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions which would effect a considerable portion of the City.
2. Tanks for storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases. Such tanks shall not be less than 1,000 feet from any residential district.
3. Commercial convenience and other business uses associated with the industrial character of the district or providing services necessary for the operation of such industrial uses.

5.334 Standards for Uses Permitted on Appeal:

1. All uses permitted on appeal in the M-2 District shall be in compliance with the intent of the district as expressed in Section 5.331.
2. Uses permitted on appeal shall conform with the standards set forth in Section 8.512.
3. Uses permitted on appeal shall be in compliance with environmental conditions as set forth in Section 5.336.

5.335 Uses Prohibited: Uses prohibited in the M-1 District unless the Planning Commission and the City Council rule otherwise.

5.336 Required Lot Area, Lot Width, and Yard – Environmental Conditions:

1. It is the intent of this operation that lots of sufficient size be provided for any permitted or conditional use, provided, however, that such shall have adequate space for normal operations, plus required space for yards, off-street parking, loading and unloading.  
Maximum total building area shall not exceed 35% of total lot area.
2. If access to community sewage system is not available, a larger minimum area is required to meet the percolation standards for the Pike County Board of Health, which shall prevail.
3. Emit no smoke unless approval has been obtained from the Alabama Air Pollution Control Commission.
4. Discharge into the air no dust or other particles, matter created by an industrial operation or emanating from any products stored prior to or subsequent to processing unless permission has been secured from the Alabama Air Pollution Control Commission.
5. Produce no heat or glare humanly perceptible at or beyond the lot boundaries.
6. Utilize all lighting in a manner which produces no glare on public streets or on any other parcel.
7. Produce no physical vibrations humanly perceptible at or beyond the lot boundaries.
8. Produce no electromagnetic radiation or radioactive emissions injurious to human beings or animals or vegetation of any intensity that interferes with the lawful use of any property.
9. Do not engage in the production or storage of any material designed for use as an explosive, nor in the use of such materials in production.
10. Do not discharge into any stream system or public sewer system any industrial waste, trailing, or unusable by-products which will cause serious water pollution, overburden the existing public facilities or be harmful in any way to the normal sewage treatment process.
11. The required lot area, lot width, yard size and setbacks which pertain to the M-1 District shall apply in the M-2 District.
12. The required off-street parking and off-street loading and unloading regulated in Sections 6.22 and 6.23 respectfully.

**5.34 C-O: Commercial-Office District:**

5.341 Statement of Intent: It is the intent of this district to provide for the development of professional office buildings designed to intermingle with other types of uses without having a detrimental effect on adjacent properties and zoning districts. If a Special Exception or Variances are involved, the Board of Adjustment shall not grant such Exception except with a favorable report from the Planning Commission.

5.342 Uses Permitted: Business or professional offices; public buildings of a governmental nature, banks, barber shops, beauty salons, doctors and dentist offices or other similar services.

- 5.343 Uses Permitted on Appeal: Parking lot if adjacent to a commercial zoning district, lodges and clubs not operated for profit, and Y.M.C.A, art galleries, small museums or similar services.
- 5.344 Uses Prohibited: Any commercial, retail or business use, apartment or any other multi-family dwelling.
- 5.345 Required Lot Area, Lot Width, Yards and Setbacks: All buildings hereafter constructed for uses listed in this subsection shall be so located as to comply with the following minimum requirements:
- Minimum Required Lot Area: It is the intent of this subsection that lots of sufficient size be used for the offices developed in this district; and that each building hereafter constructed shall have adequate space for building plus the required space for off-street parking and the required setback for yard and open space.
- Minimum required lot area ..... 7,200 square feet
- Minimum required lot width at building line ..... 60 feet
- Minimum required front yard..... 30 feet
- Minimum required rear yard ..... 20 feet
- Minimum required side yard ..... 10 feet
- Minimum required street side yard..... 25 feet
- Maximum building coverage of lot area .....50%
- 5.346 Height of Buildings: No building shall exceed two and one-half (2 ½) stories or 35 feet in height except that public buildings of a governmental nature may have a height not to exceed three (3) stories or 45 feet.

## ARTICLE SIX

### GENERAL AND SUPPLEMENTAL DISTRICT REGULATIONS

#### **Section 6.1**

#### **General Provisions**

##### **6.11 Future Street Lines and Points of Access:**

- 6.111 Future Street Lines: On any lot which, at the time of adoption of this Ordinance or at the time this Ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan," or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width, and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.
- 6.112 Points of Access: In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:
1. A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed 30 feet in width.
  2. There shall be not more than two (2) points of access to any one (1) public street on a lot of any width. Lots less than 100 feet in width shall have no more than one (1) point of access to any one (1) public street.
  3. No point of access shall be allowed within 15 feet of the right-of-way of any public street intersection.
  4. The area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and for (4) inches in width separating that parking area from the sidewalk and located in such a manner to prevent encroachment of vehicles onto the public right-of-way including the sidewalk.
  5. No curbs on City streets or right-of-ways shall be cut or altered without written approval of the Building Inspector.

**6.12 Rear Yard Abuts Public Street:** When the rear yard of a lot abuts a public street, all buildings or structures in that rear yard shall observe the same setback from the street line or property line as required for adjacent properties which front on that street. In addition, any structure located within 25 feet of that setback line shall observe the side yard requirements of the adjoining properties fronting on that street.

**6.13 Obstruction of Visions at Street Intersections Prohibited:** In all districts, on a corner lot within the area formed by the center lines of streets or street and railroad, at a distance of 75 feet from such intersection, there shall be no obstruction to vision between a height of two and one-half (2 ½) feet and a height of ten (10) feet above the average grade of each street or railroad at the center-line thereof. The requirements of this subsection shall not be deemed to prohibit any necessary retaining wall.

The Board of Adjustment may reduce this requirement where safety conditions will not be impaired.

**6.14**      **Rear Dwelling Prohibited:** No accessory structure or building in the rear of the principle building on the same lot may be used for residential purposes unless upon written approval of the Board of Adjustment. In residential districts there shall be only one (1) main principal building per lot.

**6.15**      **Location of Accessory Buildings:** Accessory buildings may be erected on the lot, however, such buildings shall be located so as to comply with the following requirements:

6.151      No accessory buildings shall be erected in any required front or side yard and shall not occupy more than 30% of any required rear yard. Accessory buildings shall be at least five (5) feet from all lot lines and from any other building on the same lot.

6.152      No accessory buildings, not an integral part of the principal building, shall be located within 60 feet from the front lot line.

6.153      In the case of a corner lot adjoined in the rear by a lot facing the side street, the accessory structure shall be located in such a manner as to conform with the front and side yard requirements of the adjoining lot.

6.154      Swimming and wading pools with a depth of one (1) foot or more in any portion of the pool, and not located within a permanently and completely walled structure, shall be contained no closer than ten (10) feet of any property line and shall be completely fenced off from the ground up to a height of at least five (5) feet. Gates and fences shall be so constructed and of such materials so as to prevent the entry of children into the pool area. Gates shall be provided with adequate locking devices and shall be locked at all times when the pool is not in use.

**6.16**      **Access to Public Streets:**

6.161      In residential, commercial and industrial districts, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street or highway or a street on a subdivision plat approved by the Planning Commission.

6.162      All structures shall be located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

**6.17**      **Fences, Walls, and Hedges:**

No fence, wall, and hedge shall be erected, installed, constructed or otherwise structurally altered in the City except in strict compliance with the terms and provisions of this ordinance. All fences and walls shall require a building permit.

The zoning board of adjustment, as a special exception, may approve exceptions to any of the standards specified in this section upon a finding that the proposed exceptions are desirable from the standpoint of privacy and/or security, will not be detrimental to neighborhood appearance or character, and will not be detrimental to traffic safety.

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided said fences, walls, and hedges meet the following regulations:

6.171      **Height Requirements:**

On corner lots no fence, wall or hedge along the street sides or front edge of any front yard shall be over two and one-half (2 ½) feet in height.



Industrial Districts: Fences, walls, and hedges that are erected, placed, grown, or maintained in Industrial Districts shall not exceed a height of ten (10) feet.

Commercial Districts: Fences, walls, and hedges that are erected, placed, grown, or maintained in Commercial Districts shall not exceed a height of eight (8) feet.

Residential Districts: In Residential Districts, excluding the PH-50 Patio Home District, fences, walls, and hedges may be erected, placed, grown, or maintained along a lot line of residentially zoned property, or adjacent thereto, to a height not exceeding six (6) feet above the ground; except that no such fence, wall, or hedge located in a front yard shall exceed a height of three (3) feet. In the PH-50: Patio Home District, fences, walls, and hedges may be erected, placed, grown, or maintained along a lot line of residentially zoned property, or adjacent thereto, to a height not exceeding eight (8) feet above the ground; except that no such fence, wall, or hedge located in a front yard shall exceed a height of three (3) feet.

6.172 Front Yards:

In a required front yard, no wall or fence shall be permitted except an open fence, with no less than fifty (50) percent of the fence area left unobstructed by opaque materials. No part of a fence in a required front yard shall be within ten (10) feet of the curbline or street, nor shall it be on the public right-of-way.

The side of any fence, wall, or hedge which extends into the required front yard considered to be its "face" (i.e. the finished side having no structural supports) must face abutting property or street right of way. If any fence, other than chain link, only runs along the side or sides of the front yard without a connecting front fence line, then the fence shall be double-faced (ie. having a "face" as described above on both sides) and still remain an open fence, with no less than fifty (50) percent of the fence area left unobstructed by opaque materials.

In all Residential Zoning Districts, fences or walls, exceeding three (3) feet in height, shall be set back behind the front building line or behind the minimum front yard setback of an abutting residential property, whichever is greater.

In Residential and Commercial Districts: Any wall or fence which extends into the required front yard of a property shall be ornamental or decorative and constructed of materials such as brick, stone, wood, stucco, wrought iron, split rail, and shall not be constructed of exposed concrete block or used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.

6.173 Exceptions:

Exceptions for Residential Developments: Unless otherwise regulated, fences, walls, or hedges which enclose or screen any residential cluster or Multiple-family development, with a site area of more than one (1) acre, may be constructed up to a maximum height of six (6) ft within a required Front Yard as perimeter fencing or screening, provided that the approving authority finds, after review of the development plan, that such fences, walls, or hedges will not adversely impact any abutting properties and will not pose a traffic hazard. In addition, such fences, walls, or hedges shall be allowed where an approved subdivision, containing no less than ten (10) lots, borders on or contains an existing or proposed Arterial or Collector when such fences, walls, or hedges are located between the Thoroughfare and the Rear Lot Line of a Through Lot or between the

Thoroughfare and the Front or Street Side Lot Line of a Corner Lot situated directly Adjacent to such Arterial or Collector provided that the approving authority finds, after review of the development plan, that such fences, walls, or hedges will not adversely impact any abutting properties and will not pose a traffic hazard. Any wall or fence which fronts along a public right-of-way shall be ornamental or decorative and constructed of materials such as brick, stone, wood, stucco, wrought iron, split rail, and shall not be constructed of exposed concrete block or used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.

Exceptions for Mobile Home Developments: Unless otherwise regulated, fences, walls, or hedges which enclose or screen any Mobile Home Development, with more than five (5) mobile home sites, may be constructed up to a maximum height of six (6) ft within a required Front Yard as perimeter fencing or screening around said development, provided that the approving authority finds, after review of the development plan, that such fences, walls, or hedges will not adversely impact any abutting properties and will not pose a traffic hazard. Any wall or fence which fronts along a public right-of-way shall be ornamental or decorative and constructed of materials such as brick, stone, wood, stucco, wrought iron, split rail, and shall not be constructed of exposed concrete block or used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.

6.174 Supplemental Regulations:

The side of any fence, wall or hedge considered to be its “face” (i.e. the finished side having no structural supports) must face abutting property or street right of way.

Fences and walls situated in side yards behind the building line and/or rear yards shall be constructed using materials suitable for residential-style fencing and walls, including but not limited to, brick, stone, wood, stucco, wrought iron, vinyl, and chain link (with a minimum thickness of nine (9) gauge and a required top rail support).

Barbed-wire, razor-wire and similar fencing shall not be used within any residential district and shall not be permitted within fifty (50) ft of any residential district boundary. In no case shall barbed-wire, razor-wire, and similar fencing be less than six (6) ft above Grade Level.

Chain link fencing shall be constructed with a minimum thickness of nine (9) gauge and a required top rail support. No wire or chain link-type fence shall be constructed with the cut or salvage end of the fence exposed at the top.

Fences, walls, or hedges, shall be located entirely upon the private property on which the fence, wall, or hedge is proposed to be constructed.

Fences, walls, or hedges, shall not be located on any utility or City easement or right-of-way. If the city or utility company needs to utilize the easement or right-of-way, the fence, wall, or hedge shall be removed and relocated at the expense of the property owner.

No fence or wall shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, or utility poles shall not be used for, or in the construction of a fence or wall.

6.175 Maintenance and Appearance:

All fences, walls, and hedges shall be maintained in good condition, so as to present a neat and orderly appearance. Fences, walls, and hedges shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every Fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.

6.176 Existing Fences, Walls, and Hedges:

Any fence, wall, or hedge existing upon the effective date of this Ordinance shall not be enlarged, extended or replaced, except in strict compliance with all of the requirements of this Ordinance.

6.177 Responsibility and Violations:

Responsibility: The property owner of record will be responsible for ensuring full compliance with the requirements of this Section.

Violations: Any violation of any provision of this Section shall be deemed to be an unlawful violation of this Ordinance.

*(Section 6.17 as amended by Ordinance 326 dated June 26, 2012)*

**6.18 Essential Community Facilities and Services:**

6.181 Nothing in this Ordinance shall prohibit the provision of essential services, such as gas, electric or telephone, provided the installation of such facility or service does not violate any other applicable provision of this Ordinance. However, nothing in this subsection shall be construed to permit the erection, construction, or enlargement of any building, tower or substation or maintenance depot for provision of an essential community facility or service except as otherwise permitted in this Ordinance.

**Section 6.2 Supplemental Provisions**

**6.21 Sign Regulations:**

6.211 General Sign Regulations:

1. No sign shall be erected or placed either temporarily or permanently at any location where by reason of position, size, shape, color, movement, flashing or general illumination may interfere with, obstruct or confuse the view of traffic, signs or signal devices.
2. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
3. In the reserved residential and in all residential districts, signs may only be illuminated by non-flashing, reflected light. Any light used to illuminate such signs shall be arranged so as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right-of-way line than one-half (1/2) the minimum authorized front yard depth.

4. In commercial and industrial districts, signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect light away from adjoining premises and streets. Flashing lights shall be restricted to white light only. In the central business districts where signs may be flush with the property line, a variance may be given to allow signs to be placed in the right-of-way.
5. Unless otherwise specifically stated, all signs shall conform to all other yard and height requirements of the district in which said sign is located.
6. The height of a free-standing sign shall be measured from the curb level to the top of the sign frame or facing. The height of a projecting sign shall be measured from the base of the sign face to ground level. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the maximum permitted building height, nor shall it be more than three (3) feet higher than the highest ceiling elevation in the building.
7. Temporary, portable or wheeled signs which have a flashing lighting element are prohibited.

6.212 Permitted On-Site Signs in a Reserved Residential District: The following on-site signs are permitted on any one (1) lot in the Reserved Residential District.

1. One (1) on-site sign advertising the sale or lease of the lot, chattels or building, not exceeding six (6) square feet in area.
2. One (1) on-site sign identifying a park, school building, or other authorized use not to exceed 18 square feet in area.
3. One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed 12 square feet in area.

6.213 Permitted On-Site Signs in Residential Districts: The following on-site signs are permitted on any one (1) lot in residential districts:

1. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
2. One (1) on-site sign announcing a home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
3. One (1) on-site sign advertising a recorded subdivision or development not to exceed 18 square feet in area. Such sign shall be removed within one (1) year after the sale of 90% of all lots or units within said subdivision or development.
4. One (1) on-site sign not having commercial connotations identifying a multi-family building or development, a residential subdivision, or a mobile home park or subdivision, not to exceed 18 square feet in area. Such a sign shall be so designed that it is visually compatible with the surrounding environment.
5. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed 12 square feet in area.

6.214 Permitted On-Site Signs in a Commercial and Industrial District: The following on-site signs are permitted on any one (1) lot in the commercial and industrial districts:

1. One (1) on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than 48 inches. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater.
2. One (1) on-site free-standing identification sign may be erected for a business location or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed 200 square feet in area, nor be closer to the front, side, or rear property line, than one-half (1/2) the distance of the required building setback.
3. The following signs shall be permitted in the C-3, Central Business District:
  - (1) Wall Signs: Wall signs may be erected instead of, but not in addition to projecting or free-standing signs or signs on awnings.
    - 1 Each street level business shall be permitted to display attached or directly applied wall signs, the area of which shall be determined as follows: maximum sign area shall not exceed one (1) square foot for each foot in length or height of the building, whichever is greater on the primary frontage up to a maximum of 150 square feet.
    - 2 Each business located above a first floor may display attached or directly applied one (1) wall sign, the area of which shall not exceed two (2) square feet for every 100 square feet of business floor area and such floor area shall not be construed to mean hallways or shared building or tenant facilities. No such sign shall exceed six (6) square feet in area.
    - 3 An accessory projecting sign is allowed if it contains no lettering and consists solely of a symbol or a 3-D representation of an object. No such accessory projecting sign shall exceed six (6) square feet in area.
    - 4 Where a business fronts on more than one (1) public street or municipal parking lot, wall signage may be permitted for each frontage. The total signage area displayed on any one (1) public street shall not exceed that area permitted by the frontage on that public street or parking lot.
  - (2) Projecting Signs: Projecting signs may be erected instead of, but not in addition to wall or free-standing signs or signs on awnings,
    - 1 Each street level business shall be permitted to erect one (1) projecting sign, the area of which shall not exceed one (1) square foot for every three (3) feet of business frontage. No projecting sign shall exceed six (6) square feet in area.

- 2 Each business located above a first floor may display one (1) projecting sign, the area of which shall not exceed one (1) square foot for every 100 square feet of business floor area. No such sign shall exceed four (4) square feet in area.
  - 3 All projecting signs shall be attached to the main wall of the building. No sign shall project more than four (4) feet from a building wall or over a street, alley, or other public space beyond a line drawn perpendicularly upward from two (2) feet inside the curb line, whichever is less.
  - 4 A clear space of not less than nine (9) feet shall be provided below all parts of projecting signs.
  - 5 The top of a projecting sign shall be no higher than 15 feet above existing sidewalks or ground elevation, or the bottom of the sills of the first level of windows above the first floor, whichever is lowest.
  - 6 Where a business fronts on more than one (1) public street or municipal parking lot, one (1) projecting sign shall be permitted for each frontage. The sign area displayed on any one (1) public street shall not exceed that area permitted by the frontage on that public street or parking lot.
- (3) Free-Standing Signs: Free-standing signs may be erected instead of, but not in addition to wall or projecting signs or signs on awnings.
- 1 One (1) free-standing sign shall be permitted where the principal building is set back five (5) or more feet from the property line on the street to which it fronts.
  - 2 A free-standing sign shall not exceed 12 square feet in area, regardless of the number of individual businesses within the building.
  - 3 One (1) accessory wall sign identifying each business may be erected in addition to a free-standing sign. The maximum area of such a sign for street level businesses shall be determined as follows: maximum sign area equals one (1) square foot for each foot in length or height of the building, whichever is greater, on the primary frontage up to a maximum of 150 square feet. Each business located above a first floor may display an accessory wall sign the area of which shall not exceed one (1) square foot of signage for every 100 feet of business floor area.
  - 4 A free-standing sign shall not exceed ten (10) feet in height and shall be permanently affixed to the ground.
  - 5 A free-standing sign shall not intrude into or over a public street, sidewalk, or right-of-way.

- (4) Signs and Awnings: Signs incorporated into or applied to awnings may be erected instead of, but not in addition to, wall projecting or free-standing signs.
- 1 Signs on awnings shall be applied by screening or painting letters or stitching appliques of a contrast-colored cloth onto the awning fabric.
  - 2 Each street level business shall be permitted to display signs on awnings, the area of which shall not exceed one (1) square foot for every foot and a half (1 ½) business frontage. No such signage shall exceed 30 square feet in area.  
  
An accessory projecting sign is allowed if it contains no lettering and consists solely of a symbol or a 3-D representation of an object. No such accessory projecting sign shall exceed six (6) square feet in area.
  - 3 Each business located above a first floor shall be permitted to display signs on awnings, the area of which shall not exceed two (2) square feet for every 100 square feet of business floor area.
  - 4 When a business fronts on more than one (1) public street or municipal parking lot, signs on awnings may be permitted for each frontage. The total signage area displayed on any public street shall not exceed the area permitted by the frontage on that public street or parking lot.
- (5) In addition to having one (1) of the following: a free-standing sign or a sign on an awning, a business can have the following accessory signs:
- 1 Under-Canopy Signs: Each street level establishment may have a single sign hanging directly from the canopy in front of the establishment, provided each such sign is perpendicular to the building, has a nine (9) foot vertical clearance, extends no further than six (6) feet from the building, is not taller than one (1) foot, and has a total area of less than two (2) square feet.
  - 2 Door Signs: Each above street level or below street level business may have a single door sign, a sign which is attached, affixed or painted on an exterior door, provided said door provides the only access to the business and the sign does not exceed two (2) square feet in size.
  - 3 Window Signs: All businesses may have window signs, signs which are permanently affixed to the surface of the glass, which are incorporated into the window glass structure or are visible through a window. Window signs are considered part of the maximum allowable sign area for that business and may not occupy more than 20% of the total glass area.
  - 4 Small Pick-up Signs: Small Pick-Up signs, with a base no more than 18 inches wide, no taller than 36 inches and no wider than 24 inches are allowable for daytime placement upon sidewalks

provided that a six (6) foot wide clearance between the sign and the building is provided. Each business may have no more than one (1) small pick-up sign.

(6) The following types of signs are inappropriate in downtown:

- 1 Portable Signs: Any sign illuminated or not illuminated, which is attached to or mounted on or in a wheeled frame, trailer, truck bed or the roof or trunk of any motor vehicle is not permitted.
- 2 Animated Signs: Any sign or any part therefore which moves mechanically, blinks, flashes, uses travelling lights or rotates shall be considered an animated sign and is not permitted.
- 3 Off-Site Signs: Signs advertising a product for sale or a service to be rendered at a location other than the premises are not permitted.

6.215 Off-Site Signs: Off-site signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the forestry, agriculture and recreation, commercial and industrial districts under the following conditions:

1. Where two (2) or more off-site signs are along the frontage of a single street or highway, they shall not be less than 1,000 feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
2. The total area, facing in the same direction of any off-site sign shall not exceed 300 square feet in area.
3. No off-site sign shall be erected on the roof of any building, nor shall one (1) sign be placed above another sign.

Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of lighting arrangement or other devices or flashing shall be permitted on off-site signs.

6.216 Signs for Automobile Service Stations: Notwithstanding other provisions of this Ordinance, one (1) free-standing and/or permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way, to a height of 16 feet other than necessary supports, and not exceeding 35 square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

6.217 Elimination of Non-Conforming Signs:

1. Any sign existing at the time of the passage of this section that does not conform in area, illumination, type, and/or height with the regulations contained in this article for the district in which the sign is located shall be considered a non-conforming structure and may remain in use at its present location. If for any reason, replacement or rebuilding becomes necessary, a Building Permit shall be required and the sign shall be brought into conformity with this Zoning Ordinance in regard to area, illumination type, and height.



2. Any sign existing at the time of passage of this section that does not conform in placement pursuant to the districts in which they are located and/or location upon a lot pursuant to the article or other applicable district regulations, shall be considered a non-conforming structure and may remain in its present location. If for any reason replacement or rebuilding becomes necessary, a Building Permit shall be required, but may be granted only subject to the following conditions:
  - (1) Such replacement or rebuilding shall be permitted only as a Special Exception under the provision of Section 8.512.
  - (2) Any prior non-conformity in regard to area, illumination, type, and height shall be corrected.
  - (3) The applicant shall show that the new sign is not more objectionable and as maybe more appropriate steps have been taken to improve deficiencies, in regard to:
    - Appearance.
    - Location on the lot.
    - Traffic visibility.
    - Pedestrian safety.
    - Any other appropriate matter.
3. The provisions of this section shall supersede the provisions of Section 4.4 as they apply to non-conforming signs.

6.218 **Maintenance and Removal:** Every sign, including those specifically exempt from this code in respect to permits and permit fees, shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The building official or his authorized representative shall inspect and shall have the authority to order the painting, repair, alteration, or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

## **6.22 Off-Street Parking Requirements:**

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principle building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

6.221 **Plans:** Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Building Permit for the erection or enlargement of a building.

6.222 **Location of Off-Street Parking Areas:** With the exception of uses in the central business district, required off-street parking facilities shall be located on the same lot as the principle building and within 300 feet thereof except that this distance shall not exceed 150 feet for single-family and two-family dwellings. The distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use that such facility is required to serve.

6.223 Parking in Residential Districts: Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

6.224 Off-Street Parking Area Design: Each off-street parking space for automobiles shall be not less than nine (9) feet by 18 feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.

There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:

1. For 90 degree or perpendicular parking, the aisle shall not be less than 22 feet in width.
2. For 60 degree parking, the aisle shall not be less than 18 feet.
3. For 45 degree parking, the aisle shall not be less than 13 feet in width.
4. For parallel parking, the aisle shall not be less than 12 feet in width.

All off-street parking spaces shall not be closer than five (5) feet to any property line except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.

All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistance to erosion.

Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining premises and streets.

Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, except that this prohibition shall not apply to off-street parking areas of one (1) or two (2) family dwellings.

6.225 Collective Parking: Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

6.226 Determining Requirements: For the purpose of determining requirements the following units of measure shall apply:

1. Floor Area: In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross

floor area, except that such floor area need not include any area used for parking within the principal building and need not include area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

2. Places of Assembly: In stadiums, sports arenas, churches, and other places of assembly, in which those in attendance occupy benches, pews, or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
3. Fractions: When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

6.227 Schedule of Off-Street Parking Spaces: The minimum required off-street parking spaces shall be as set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

Off-Street Parking Space Schedule:

<u>Use</u>	<u>Parking Space Requirement</u>
Automobile or Machinery Sales and Service Garages	One (1) space for each 200 square feet of showroom floor area plus three (3) spaces for each service bay plus one (1) space for each employee.
Bank, Business, and Professional Offices	One (1) space for each 200 square feet of gross floor area.
Barber Shops and Beauty Parlors	One and one-half (1 ½) spaces for each chair plus one (1) for each one (1) employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls excluding Schools	One (1) space for each three (3) seats plus for each one employee.
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for 50 square feet of floor area, plus one (1) space for each fleet vehicle.
Furniture, Appliance Stores, Household Equipment and	One (1) space for each 200 square feet of floor area, plus one (1) space for each

Furniture Repair Shops	employee exclusive of fleet vehicles.
Hospitals	One (1) space for each bed including bassinets plus one (1) space for each employee, exclusive of emergency or fleet vehicles.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each employee.
Automobile, Service Stations	One (1) space for each 400 square feet of floor area plus one (1) per pump plus one (1) for each employee.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each employee on maximum shift.
Medical and Dental Clinics	One (1) space for each 200 square feet of floor area plus one (1) space for each employee.
Restaurants, Beer Parlors, Taverns and Night Clubs	One (1) space for each three (1) patrons of maximum seating capacity plus one (1) space for each employee.
Self-Service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machine.
Elementary and Junior High Schools, Private and Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each 30 students enrolled.
Senior High School and Institutions of Higher Learning, Private and Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each ten (10) students.
Supermarket, Self-Service Food and Discount Stores	One (1) space for each 200 square feet of floor area plus one (1) for each employee.
Wholesale Establishments and Warehouses	One (1) space for each 400 square feet of floor area plus one (1) for each employee.

- 6.228 Exception: The parking requirements for all uses proposed on a lot shall be cumulative, unless the City Engineer finds that the parking requirements of a particular mix of land uses occur at different hours, so that a particular parking area can be advantageously used during non-conflicting hours by the other uses. In such an event, the required parking space for such particular land use may be reduced by the City Engineer to the maximum number of spaces required for the remaining uses requiring simultaneous parking.

- 6.229 Setbacks and Bufferyards: Parking lots shall be setback a minimum of five (5) feet from any right-of-way. There shall be a five (5) feet maintained landscaped buffer consisting of trees, shrubbery, and grass along all property lines where the off-street parking area adjoins a ROW, road, vacant property, or a different land use.

*(Section 6.229 as amended by Ordinance 355 dated October 27, 2015)*

## **6.23 Off-Street Loading and Unloading Requirements:**

In connection with every building, structure, or use hereafter erected, except single and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

- 6.231 Plans: Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Building Permit.

- 6.232 Off-Street Loading Area Design: Each off-street loading and unloading space shall not be less than 12 feet in width and 55 feet in length with not less than 15 feet in height clearance.

Any loading/unloading space shall not be closer than 50 feet to any lot located in any residential district unless wholly within a completely enclosed building or unless screened on all sides by a wall, fence or compact planting not less than six (6) feet in height.

All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

- 6.233 Off-Street Loading Area Space Requirements: In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.

All retail sales facilities having up to 5,000 square feet of gross floor area shall be provided with at least one (1) off-street loading/unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, one (1) additional loading/unloading space.

All industrial and wholesale commercial land uses shall provide one (1) loading/unloading space for each 10,000 square feet of floor space, with a minimum of not less than two (2) loading/unloading spaces.

## **6.24 Home Occupations:**

A home occupation is intended to be a use conducted in a residential property, with operations occurring entirely within a dwelling and carried on solely by the inhabitant thereof and which is clearly incidental and secondary to the use of the building and/or structure for dwelling purposes. Because the City recognizes that certain home occupations have greater land use impacts than others, this article is designed to establish three (3) tiers of home occupations. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper regulations are administered.

May be permitted on appeal in the RR, R-1, R-2, R-3, A-1, MHR, and the MH Districts only when approved as regulated in this Section.

The City Clerk, zoning administrator, building official, revenue officer, and/or a person designated by the City council, shall have the right to enter and inspect the dwelling for compliance purposes following advance notice to the property owner.

No article or service shall be sold, offered, or performed which must be performed on the property outside of structures complying with the provisions of this Ordinance.

There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation; nor shall there be any sign advertising the home occupation. No advertising display signs shall be permitted. No commercial telephone directory listing, newspaper, or local or city directory, radio, television, website, social media, billboard, or any other electronic or written advertising shall be used to advertise the location of a home occupation to the general public.

The operation of a home occupation shall not involve any potentially dangerous or deadly weapons of any kind, including but not limited to knives, firearms, or air guns.

The appearance of the dwelling unit shall not be altered, nor shall the home occupation be conducted in any way that would cause the premises to differ from its residential character and that of the immediate neighborhood.

No more than one home occupation shall be approved in any residential dwelling unit.

The operation of a home occupation shall not create any nuisance, including, but not limited to excessive traffic, on-street parking, noise, vibration, glare, odor, fumes, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, and shall have no effect or impact upon the physical and natural amenities of the neighborhood or affect the residents' ability to maintain the quiet enjoyment of their homes, property, streets, and neighborhood.

Any grant of approval for a home occupation shall be deemed a privilege and requires the continual compliance with all rules, regulations and conditions applied to the approval.

A home occupation shall not include a furniture upholstery, retail store, repair shop, health clinic, hospital, barbershop, beauty parlor, tearoom, animal daycare and/or hospital, chiropractic clinics, fortune telling establishments, automobile washing or detailing, or other similar activity as determined by the Board of Adjustment. The on-site repair of vehicles shall be prohibited as a home occupation.

#### **6.241 Tiers of Home Occupations:**

1. **Tier 1 Home Occupations:** Qualifying tier 1 home occupations are home based businesses that have no outward appearance of business activity, including business identification signage. Examples of qualifying home occupations include (but are not limited to) the following: business office for an otherwise licensed business activity, internet based business, electronic or mail commerce, telephone sales or marketing, artistic, consulting, design, professional service (not including medical, health, or animal related professional services), or manufacturer's representative, etc. No public hearing is required for qualifying tier 1 home occupation applications, and the zoning administrative official has authority to approve qualifying tier 1 home occupation applications. Applicants for qualifying tier 1 home occupations must sign an "affidavit of compliance." The affidavit outlines the minimum requirements listed below. These minimum requirements shall be conditions of approval and must be observed by the applicant. The affidavit shall be signed in the presence of the zoning administrative official (or appointee). Any applicant who refuses to sign the affidavit or is unable to comply with the minimum requirements will be required to apply for a qualifying Tier 2 home application. The applicant shall not be eligible for the issuance of a business license until the affidavit has been approved by

the zoning administrative official. Prior to the operation of a qualifying tier 1 home occupation, the applicant must obtain a valid business license from the City.

- a. The business license shall be valid only for this home occupation, this operator at this location;
- b. This home occupation approval shall be void if the license is allowed to lapse, or is revoked, discontinued, abandoned, or lost for any reason;
- c. The business operator shall obtain a 5 lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
- d. Any work conducted in the home (i.e. bookkeeping, etc.) shall be confined to the principal building and/or structure;
- e. No advertising material shall indicate the business hours, address and/or physical location of the business;
- f. Tier 1 home occupations shall be restricted such that there shall not, at any time, be more than two clients (who are not members of the resident family) on the premises for any reason related to such home occupation. Instruction of music, art, dancing and similar activities shall be limited to a maximum of two students at a time, and any noise created by the activity shall not be detectable outside the premises;
- g. No more than twenty-five (25) percent of total gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
- h. Accessory buildings and/or structures shall not be used for home occupations;
- i. Any business-related equipment or materials must be kept inside the home;
- j. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation;
- k. No business-related vehicles shall be parked at the home;
- l. Only residents of the home shall engage in business activity at the home;
- m. No employees or employee vehicles (who are not residents of the home) shall be allowed at the home;
- n. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and shall not be located in the required front yard;
- o. The approval of a qualifying tier 1 home occupation and/or issuance of a business license to a contractor, who performs work at other locations, shall not constitute permission to store materials, tools, vehicles, or construction equipment at the home;
- p. If business-related materials or equipment are delivered to the home, there shall be no more than two deliveries per week and the delivery vehicle shall have no more than a single axle with six wheels;
- q. There shall be no signs or advertisements on the property, including on the mailbox;

- r. The activity carried on, as a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.;
  - s. The business operator shall be responsible for observing any private covenants which may impact the home occupation;
  - t. The business operator shall fully comply with any other restriction as may be considered appropriate by the zoning administrative official, City Clerk, or the Board of Adjustment; and
  - u. Violation of any of the aforementioned conditions or complaints from property owners in the neighborhood of the business could not only result in revocation of the tier 1 home occupation approval but, also, prosecution for violating the Zoning Ordinance, if warranted.
2. Tier 2 Home Occupations: Qualifying tier 2 home occupations are home based businesses that may exhibit outward (visible) signs of business activity, including (but not limited to) the following: lawn care business, contractors (not to include heavy construction, excavation, dirt moving, etc.), landscaping, tree surgery, home maintenance business, or, if approved by the Board, any business application for a tier 1 home occupation that the City Clerk or Zoning Administrator denies, etc. Tier 2 home occupations shall be considered special exceptions and shall be subject to Board of Adjustment approval as outlined in this article. Unless expressly omitted by the Board of Adjustment, the restrictions listed below shall be considered conditions of approval. However, the Board of Adjustment may add additional conditions of approval should conditions warrant. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper restrictions are approved and/or omitted by the Board of Adjustment. The applicant shall not be eligible for the issuance of a business license until the special exception is approved by the board of adjustment. Prior to the operation of a qualifying tier 2 home occupation, the applicant must obtain a valid business license from the City.
- a. The special exception and ultimately the business license shall be valid only for the applicant, this home occupation, this operator at this location;
  - b. The special exception shall be void if a privilege license, issued by the City, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse, or is revoked, discontinued, abandoned, or lost for any reason;
  - c. The business operator shall obtain a 5 lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
  - d. No more than twenty-five (25) percent of total gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
  - e. There shall be no noise, odors or vibrations associated with the business;
  - f. Only residents of the home shall be authorized to engage in business activity at the home;
  - g. No employees or employee vehicles (who are not residents of the home) shall be allowed at the home;
  - h. Tier 2 home occupations shall be restricted such that there shall not, at any time, be more than two clients (who are not members of the resident family) on the premises for any reason related to such home occupation;



- i. All work-related activities must be conducted inside the home;
  - j. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation;
  - k. No accessory building shall be used in conjunction with the business;
  - l. The applicant is allowed to have one business-related vehicle parked on the property, but it shall be no larger than a ¾ ton pickup truck or 12-passenger van and shall not be parked in the required front yard;
  - m. There shall be no business-related vehicle parked in the street;
  - n. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and shall not be located in the required front yard;
  - o. Lawn care equipment and/or any trailer used to transport the equipment shall be shielded from the view of the street and adjacent properties;
  - p. No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the single vehicle or inside the home;
  - q. Used and/or left over materials shall not be taken to or stored on the property;
  - r. If business-related materials or equipment are delivered to the home, there shall be no more than two deliveries per week, and the delivery vehicle shall have no more than a single axle with six wheels;
  - s. The approval of a qualifying tier 2 home occupation and/or issuance of a business license to a contractor, who performs work at other locations, shall not constitute permission to store materials, multiple business-related vehicles, or any construction equipment at the home;
  - t. There shall be no signs or advertisements at the home, including on the mailbox;
  - u. The activity carried on, as a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.;
  - v. The business operator shall be responsible for observing any private covenants which may impact the home occupation;
  - w. Any other restriction as may be considered appropriate by the zoning administrative official or the Board of Adjustment; and
  - x. Violation of any of the aforementioned conditions or complaints from property owners in the neighborhood of the business could not only result in revocation of the tier 2 home occupation approval but, also, prosecution for violating the Zoning Ordinance, if warranted.
3. Tier 3 Home Occupations: Tier 3 home occupations are home based businesses that exhibit outward (visible) signs of business activity and due to potential increased traffic, noise, and nuisances need to be reevaluated every two (2) years, including (but not limited to) the following: home-based businesses having clientele traffic, home day cares

not to exceed six children, seamstresses, instruction of more than two students at a time, or, if approved by the Board, any business application for a tier 2 home occupation that the Board decides warrants the need to be reevaluated every two (2) years, etc. Tier 3 home occupations shall be considered special exceptions and shall be subject to Board of Adjustment approval every two (2) years as outlined in this article. Unless expressly omitted by the Board of Adjustment, the restrictions listed below shall be considered conditions of approval. However, the Board of Adjustment may add additional conditions of approval should conditions warrant. It shall be the applicant's responsibility to clearly explain the scope of the business to ensure the proper restrictions are approved and/or omitted by the Board of Adjustment. The applicant shall not be eligible for the issuance of a business license until the special exception is approved by the board of adjustment. Prior to the operation of a qualifying tier 3 home occupation, the applicant must obtain a valid business license from the City.

- a. The special exception and ultimately the business license shall be valid for two (2) years only for the applicant, this home occupation, this operator at this location;
- b. The special exception is void if a privilege license, issued by the City, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse, or is revoked, discontinued, abandoned, or lost for any reason;
- c. The business operator shall obtain a 5 lb. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
- d. No more than twenty-five (25) percent of total gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
- e. There shall be no noise, odors, vibrations, or excessive noise associated with the business;
- f. Only residents of the home shall be authorized to engage in business activity at the home;
- g. No employees or employee vehicles (who are not residents of the home) shall be allowed at the home;
- h. The existing dwelling unit shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation;
- i. The applicant is allowed to have no more than two business-related vehicles parked on the property, but they shall be no larger than a ¾ ton pickup truck or 12-passenger van, and shall be located off the street and shall not be located in the required front yard;
- j. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area. Any need for parking generated by the home occupation shall be met off the street and shall not be located in the required front yard;
- k. Any equipment and/or any trailers used to transport the equipment shall be shielded from the view of the street and adjacent properties;
- l. No business-related equipment or materials shall be visible from the road or from adjoining properties and shall be stored inside either the vehicle or inside the home;

- m. Used and/or left over materials shall not be taken to or stored on the property;
- n. If business-related materials or equipment are delivered to the home, there shall be no more than four deliveries per week, and the delivery vehicle shall have no more than a single axle with six wheels;
- o. The approval of a qualifying tier 3 home occupation and/or issuance of a business license to a contractor, who performs work at other locations, shall not constitute permission to store materials, more than two business-related vehicles, or any construction equipment at the home;
- p. There shall be no signs or advertisements at the home, including on the mailbox;
- q. The activity carried on, as a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m.
- r. The business operator shall be responsible for observing any private covenants which may impact the proposed home occupation.
- s. Any other restriction as may be considered appropriate by the zoning administrative official or the Board of Adjustment; and
- t. Violation of any of the aforementioned conditions or complaints from property owners in the neighborhood of the business could not only result in revocation of the tier 3 home occupation approval but, also, prosecution for violating the Zoning Ordinance, if warranted.
- u. Additional Regulations for Home Day Cares:
  - (1) The home day care shall provide day care for six or less children, elderly, handicapped, or infirm persons, and must comply with all applicable federal, state, county, and city laws, regulations, ordinances, and licensing requirements;
  - (2) Home day cares shall be limited to a single-family, detached dwelling;
  - (3) Home shall not be located within 1,000 feet of another family care home as measured between lot lines;
  - (4) Home day cares shall not be conducted in any accessory building located on the same lot as the principal dwelling;
  - (5) Current licensure through the Department of Human Resources and/or other appropriate federal, state or county regulatory agency shall be required;
  - (6) Street parking or other places to load and unload children, elderly, handicapped, or infirm persons shall be adequately provided for so as to provide protection to such persons so that they can safely enter and exit vehicles;
  - (7) Architectural drawings or other drawing, photographs or diagrams shall be submitted with application to show existing fences or other structures to be placed upon the property or already in place providing safety to children for traveling to and from the premises being used;

- (8) No person, other than the owner of the home and their immediate family, shall be employed or called on to aid or help in the care of children within such residential home;
- (9) No display of home care service shall be visible from the street or exhibited upon the property in any way;
- (10) Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the front yard;
- (11) Fencing shall be provided to physically contain the children within the outdoor play area, and to restrict children from hazardous areas, such as open drainage ditches, wells, holes, swimming pools, and streets or highways;
- (12) Play equipment shall be located at least ten feet from an abutting lot line;
- (13) Home day care utilizing, or proposing to utilize, an on-site sewage disposal system shall obtain a written statement from the Pike County Health Department certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure;
- (14) It shall be understood that this right of use shall be limited only to the home occupant making application for a day care home, and such right is not transferable, assignable or otherwise allowed to be given to any other future lessee, tenant, purchaser or owner of the home without the filing and approval of a new application as provided in this section; and
- (15) The right to use the home for a day care home shall be terminated upon notification to the city that the state department of human resources or such other state entity regulating home day care notifies the city or the city otherwise becomes aware that such regulatory agency has revoked, suspended, or discontinued any license privilege or right of the home of the applicant to continue operation of a day care home. Any subsequent use shall require the filing and approval of a new application as set forth in this section.

*(Section 6.24 as added by Ordinance 339 dated January 14, 2014)*

## **6.25 Storage of Materials:**

The location of storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- 6.251 On any lot in the reserved residential district, residential districts or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.

On any lot in any commercial or industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

6.252 Storage of Commercial and Recreation Vehicles and Trailers: Commercial and recreational vehicles and trailers shall not be parked or stored on any lot occupied by a dwelling or any lot in a residential district except in accordance with the following requirements:

1. Travel trailers, motor homes, boats and hauling trailers (other than commercial trailers) shall be permitted if parked or stored behind the front yard building line.
2. No more than one (1) commercial vehicle per dwelling shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
3. Nothing in this Ordinance shall permit the storage or parking of any vehicle or nonpermanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

## **6.26 Performance Standards:**

6.261 No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements.

1. Noise: Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
2. Vibration: No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.
3. Smoke: Smoke shall not be emitted unless such emission is in accordance with the requirement of the Alabama Air Pollution Control Commission.
4. Odor: No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
5. Air Pollution: No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
6. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
7. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

6.262 Each Business to be Located in a Permanent Building: The principal building of a permanent or temporary business shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick, or masonry materials, which completely enclose the principal building area. The

permanent building and premises shall conform in all respects to the applicable zoning, building codes and Ordinances of the City.

The principal building of any permanent or temporary business shall not be a tent, shelter, mobile building, vehicle, or other structure which does not comply with the intent of this section, unless upon approval of a special exception by the Board of Adjustment. Special exceptions may be granted by the Board of Adjustment upon a finding that the proposed exceptions are desirable from the standpoint of suitability and will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general area. Such special exceptions, if granted, shall be for the applicant only and shall not be transferable.

Short-term, transient and seasonal businesses, may temporarily be located under or within a temporary structure on an improved lot or parcel which houses an active licensed permanent business for a maximum of twenty-one (21) days out of a calendar year. Any such short-term, transient and seasonal business is limited to a maximum of seven (7) consecutive days on a site with a maximum of twenty-one (21) total days out of a calendar year to be able to be located under or within a temporary structure within the City of Troy, Alabama. No lot or parcel within the City of Troy, Alabama shall house any short-term, transient or seasonal businesses located under or within a temporary structure for more than a maximum of seven (7) consecutive days on a site with a maximum of twenty-one (21) days out of a calendar year combined.

6.263 Surface Drainage: Owners, particularly developers of larger paved areas such as those in connection with apartment complexes, shopping centers, commercial and industrial uses, etc., shall be responsible for any increased runoff resulting from these developments which may cause flood or stormwater damage to neighboring or other property, and/or to streams, rivers, or other bodies of water. Developers of such developments shall comply with all applicable federal, state, county, and city laws, codes, regulations, ordinances, and requirements. The building official may, in consultation with a certified engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design before the issuance of any applicable permit. If such reasonable provisions are not made in the applicant's design, the building official may make such remedies as may be available to the applicant as a condition of the building permit issuance. For developments requiring site plan review and approval in Section 6.5, such provisions shall also be shown as part of the required site plan process.

6.264 Enforcement:

1. Where, in the opinion of the Zoning Administrator, a proposed use may not conform to these performance standards, the applicant shall submit a description of the machinery, process, and products and specifications for the mechanisms and techniques to be used in meeting the performance standards.
2. The Zoning Administrator may refer the application to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards.
3. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished by the applicant to the Zoning Administrator.

4. Any such violation of these performance standards shall be held to be a municipal offense. The charge for such violation hereof to be brought in and determined by the Municipal Court of Troy, Alabama and the offender, upon conviction, shall be punished by a fine of not more than \$250.00, or imprisoned for not more than 90 days, either or both; and each day on which a violation of these performance standards occurs shall be a separate and distinct violation and shall constitute a separate and distinct offense.

## **6.27 Mobile Homes, Trailers, and Manufactured Buildings:**

- 6.271 All Mobile Homes, Trailers, and Manufactured Buildings shall be located in approved zoning districts regardless of whether or not such mobile homes, trailers, and manufactured buildings are occupied.
- 6.272 It shall be unlawful for any mobile home, trailer, or manufactured building to be parked within the corporate limits of the City for any purpose at a site other than in an approved zoning district complying with the provisions of this Ordinance, unless the Board of Adjustment grants a special exception, where such special exception is allowed.
- 6.273 A trailer may be temporarily parked and temporarily used as a bona fide construction office provided a permit is secured from the building official at the same time a permit for the construction of the permanent structure is issued. Temporary trailers shall be permitted only for and during the term of the construction contract or until construction ceases, whichever occurs first. Temporary trailers shall be removed from site prior to the issuance of the certificate of occupancy for the permanent structure. No temporary trailer shall be used for residential purposes. No temporary trailer shall be placed nearer to any public street than 20 feet.
- 6.274 Business use of office trailers or manufactured buildings in a commercial or industrial zone shall only be permitted by special exception. Special exceptions may be granted by the Board of Adjustment upon a finding that the proposed exceptions are desirable from the standpoint of suitability and will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general area. Such special exceptions, if granted, shall be for the applicant only and shall not be transferable.
- 6.275 No later than 30 days after placement of a mobile home, trailer, or manufactured building, whether in a mobile home park or on an individual lot and whether on wheels or on piers or other type foundation, on a site, the area between the bottom of the unit and the ground shall be enclosed by "screening or skirting" on all sides and ends and such screening or skirting shall be maintained.

## **6.28 Recreational Vehicle Park Developments:**

In order to provide for a clean, safe and healthy living environment for recreational activities in Recreational Vehicle Parks the following standards shall be required of all RV park sites. Plans meeting these minimum specifications shall be approved by the Planning Commission in those zones permitting Recreational Vehicle Parks, as well as by the Board of Adjustment for any required special exception.

This section is established to provide developed areas which contain sites for the temporary location of assorted recreational vehicles to include travel trailers, motor homes, truck campers

and tents. Such facilities cover a range of short overnight stops to longer destination type stays of several days to weeks. All site plans must be in compliance with all onsite sewage disposal and tourist court development standards as required by the Alabama Department of Environmental Management. Recreational Vehicle Parks shall comply with all applicable federal, state, county, and city laws, codes, regulations, ordinances, and requirements and the following standards:

6.281 Permitted Principal Uses:

1. Recreational Vehicles
2. Tents

6.282 Allowable Accessory Uses:

1. Clubhouse, bathhouse, camp store, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.
2. No more than one (1) dwelling unit of conventional construction, at least six hundred (600) square foot in size, for the use of a resident manager.

6.283 Locational Requirements: All recreational vehicles shall be placed in approved recreational vehicle spaces in RV parks or designated spaces at mobile home parks. The storage of unoccupied recreational vehicles shall be permitted only in those areas for storage on the approved final site plan.

6.284 Minimum Standards: All recreational vehicle parks shall be developed according to the following standards:

1. Minimum size for development site:..... Five (5) acres
2. Street Frontage: The development site shall have at least sixty (60) feet of frontage.
3. Minimum Development Park Standards:
  - a. Development Site Area (as regulated above):.....5 Acres
  - b. Street Frontage (as regulated above):..... 60 Feet
  - c. Perimeter Setback: ..... 20 Feet
  - d. Front Yard setback from required street frontage: ..... 50 Feet
  - e. Required Open Space (exclusive of required setbacks): .....10%
4. Vehicle Site Requirements: Each vehicle site or lot established in a recreational vehicle park shall meet the following size requirements:
  - a. The minimum vehicle site area shall be one thousand two hundred (1,200) square feet, with a minimum width of twenty (20) feet and a minimum depth of forty (40) feet. All RV sites shall be shown on the site plan for the park.
  - b. The minimum distance between recreational vehicles shall be twenty (20) feet. The minimum distance between a recreational vehicle and any structure shall be twenty (20) feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features.



- c. The addition or attachment of any accessory structures such as awnings, porches, carports, or individual storage facilities not specifically designed and included as a standard part of the original RV is expressly prohibited.
  - d. The removal of wheels and/or the installation of skirting materials around the base of an RV is expressly prohibited.
- 5. Access: Recreational Vehicle Parks shall be so located and designed that no entrance or exit shall require movement of traffic to or from the recreational vehicle park through a residential subdivision. Nothing herein prohibits movement adjacent to a residential subdivision.
- 6. Bufferyards: There shall be a twenty (20) feet landscaped buffer consisting of evergreen trees spaced no greater than twenty-five (25) feet on center and a continuous, evergreen hedge along all property lines where the park adjoins a ROW, road, vacant property, or a different land use.
- 7. Performance Criteria: RV parks shall not exceed the following performance criteria:
  - a. Maximum gross density: .....10 RV sites per acre
  - b. Maximum ISR (Impervious Surface Ratio) for entire park: .....35%
  - c. Maximum ISR (Impervious Surface Ratio) for any RV site: .....60%
  - d. Maximum building height (conventional structures): ..... 35 feet

For purposes of site plan review, it shall be assumed that impervious surfaces cover sixty (60) per cent of each designated RV site unless the site plan specifies a lesser amount. An open space area shall be provided which is easily accessible from all vehicle sites. The minimum size of such open space area shall be twenty (20) percent of the entire tract area or twenty thousand (20,000) square feet, whichever is greater.

#### 6.285 Other Regulations:

- 1. Access and Internal Streets: RV sites within the park shall be served by internal roads and shall not have direct access to public streets. Maintenance of private roads within the park shall be the responsibility of the developer and/or owner of the property.
- 2. The width and improvement of roads and driveways within an RV park is to be as follows:
  - a. One-way. Eighteen (18) feet wide if road serves sixty (60) spaces or more; fifteen (15) feet if road serves less than sixty (60) spaces; twelve (12) feet for one-way internal road between campsite clusters without individual space access;
  - b. Two-way divided. Fifteen (15) feet wide on each side of divider;
  - c. Two-way. Twenty-four (24) feet wide;

- d. Parking. Parking along internal roadways is allowed only when a paved parking lane, eight (8) feet wide is provided in addition to the roadway.
  - e. Paving. All internal roadways shall be paved.
- 3. Off-Street Parking and Maneuvering Space: The internal circulation system of an RV park shall be designed so that parking, loading or maneuvering of vehicles shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the designated parking area. Sufficient maneuvering, space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle.
- 4. Utilities: Utilities shall be provided as follows:
  - a. Sanitary facilities shall be provided in accordance with the requirements of the Alabama Department of Environmental Management. The location of sanitary facilities shall be indicated on the plan and marked on the site.
  - b. Where a public sanitary sewage system is reasonably accessible, the owner shall connect with same and provide sewers accessible to each RV site in the RV Park Development. The owner shall install such sanitary sewer facilities in a manner prescribed by the City Utility Department standards and specifications.
  - c. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen (15) years, the owner may install sewage systems in accordance with County Health Department guidelines. Percolation test holes shall be made as directed by the County Health Officer and the results submitted to the Health Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment devices, shall also be approved by the County Health Officer.
  - d. Each recreational vehicle park shall provide either individual service lines or a common service area line delivering safe, pure, potable water. The owner shall install such water facilities in a manner equal to the specifications of the State (ADEM), City Utility Department and any applicable codes adopted by the City of Troy, and with all applicable federal, state, county, and city laws, codes, regulations, ordinances, and requirements.
  - e. Each recreational vehicle lot shall be provided with an individual electrical service mounted on a pole or pedestal and shall have a disconnecting means consisting of a circuit breaker or a switch and fuses housed in a panel approved for exterior use. A minimum combination of thirty (30) AMP must be provided for each recreational vehicle lot. The owner shall install such electric facilities in a manner equal to the specifications of the City Utility Department and any applicable codes adopted by the City of Troy.

5. Fire Hydrants: Fire hydrants shall be required for all RV Park Developments. Fire hydrants shall be located no more than 1,000 feet apart and within five hundred (500) feet of any RV site or park structure and shall be of the type, size and design specified by the City Fire Department.
6. Duration of Stay: RV sites shall be rented by the day or week only, except in the case of sale of interests or memberships on a condominium basis. No RV shall remain in a park longer than sixty (60) consecutive days or for a total maximum of two-hundred (200) days in any given calendar year. Such limitation of duration shall be clearly stated in the documents pertaining to the sale of interest or memberships on a condominium basis and all documents pertaining to the rental and/or use of the RV site.
7. Ground Cover: Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be grassed, landscaped, paved, or covered with gravel to prevent soil erosion.
8. Drainage Requirements: Surface drainage plans for the entire tract shall be reviewed by the City engineer, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City, prior to construction, issuance of any applicable permits, or use.
9. Site Conditions: Conditions of soil, groundwater, drainage and topography shall not create hazards to the property or safety of the occupants. The RV spaces shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. To this end, all recreational vehicle spaces which are located in any designated flood zone shall conform to the Flood Plain Management Ordinance and shall comply with all applicable federal, state, county, and city laws, codes, regulations, ordinances, and requirements.
10. Garbage and Trash: Central trash collection points shall be completely screened from view from outside the park.

6.286 RV Park Rules and Regulations: All RV Parks shall have Rules and Regulations which shall include a statement of when the RV Park Manager will be available, and the rules in regard to storage, garbage, trash, animals, electric utilities, water, sewer, maximum duration of stay, maintenance, security, and other matters having a bearing on the area sanitation, maintenance, use, health and safety. A copy of the RV Park Rules and Regulations shall be submitted with the site plan.

6.287 Ownership: RV parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. The City of Troy shall not be responsible for maintenance and/or repair of common facilities within any recreational vehicle park.

- 6.288        Exceptions: The Board of Adjustment, as a special exception, may approve exceptions to any of the standards specified in this section upon a finding that the proposed exceptions are desirable from the standpoint of design, privacy and/or security, will not be detrimental to district appearance or character, and will not be detrimental to traffic safety.

**6.29    Retirement or Assisted-Living Facilities and Nursing Homes:**

No retirement or assisted-living facility or nursing home building or structure, or part thereof, shall be erected in any zone other than A1 or C4, unless permitted on appeal as a special exception by the Board of Adjustment in the RR, R3, M1, or M2 districts.

All Retirement or Assisted-Living Facilities and Nursing Homes must also comply with the following requirements:

1.        Said retirement or assisted living facility and / or nursing home must be licensed by the State of Alabama and permitted by the City of Troy and shall comply with all applicable federal, state, county, and city laws, codes, regulations, ordinances, and requirements.
2.        All state, county, and City licensing requirements shall be met including, but not limited to, business licenses and those pertaining to building, fire safety, and health codes.
3.        No certificate of occupancy shall be issued prior to the issuance of all required permits and certificates by federal, state, and local agencies.
4.        All retirement or assisted living facilities shall be required to present valid proof of current state licensing, upon request by the City, to remain in compliance with this Ordinance.
5.        No retirement or assisted living facility and / or nursing home shall be located within 1,000 feet of another retirement or assisted living facility and / or nursing home, unless permitted on appeal as a special exception by the Board of Adjustment. Furthermore, to assure the compliance with this distance requirement, all such congregate living facilities must register with the Planning Administrator.
6.        The building shall have no separate outside entrances to individual bedrooms.
7.        Where deemed necessary by the City engineer, a traffic analysis may be required indicating the estimated traffic flows to and from the facility prepared by a registered professional engineer.
8.        The retirement or assisted living facility and / or nursing home must have full-time, 24-hour, on-site supervision.
9.        Parking for these facilities shall be restricted to the side and rear yard.
10.       No retirement or assisted living facility and / or nursing home shall exceed a maximum ISR (Impervious Surface Ratio) for the entire property on which it is housed of 80%.
11.       No less than 20 percent of the site area shall be improved and landscaped for the passive recreational use of tenants.
12.       Off-street parking spaces, setbacks, required lot area, and any signage shall be in accordance with the requirements for the applicable zoning district in which this use is located.
13.       Parking areas shall be set back no less than 15 feet from the building and a sidewalk of no less than 5 feet in width shall be provided between the building and parking area.
14.       Ten percent of the total parking spaces shall be designated as handicap accessible.

15. All buildings shall be set back from the street right-of-way and from all lot lines as required by the zone within which the development is located except: Where adjacent to a residential use, the minimum setback shall be 50 feet. Where adjacent to a state highway, the minimum setback shall be 50 feet.
16. Minimum lot area required for a retirement or assisted living facility and / or nursing home shall be 15,000 square feet plus 600 square feet per bedroom. All other lot width, yard, and building area requirements not specified in this sub-section shall meet the minimum requirements per the zoning district in which the facility is located.
17. All utilities shall be placed underground; and all retirement or assisted-living facilities and nursing homes shall be served by public water and sewer.

*(Section 6.2 as amended by Ordinance 355 dated October 27, 2015)*

**Section 6.3**                      **Reserved**                      *(Section 6.3 as amended by Ordinance 355 dated October 27, 2015)*

**Section 6.4**                      **Reserved**

**Section 6.5**                      **Site Plan Review and Approval**

It is recognized by the Zoning Ordinance of the City of Troy that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, by the Zoning Ordinance the Council has requested site plan review by the Planning Administrator for all land development that can be expected to have an impact on natural resources, traffic patterns, and on adjacent land usage.

Site Plans shall comply with all applicable federal, state, county, and city laws, codes, regulations, ordinances, and requirements and the following provisions:

- 6.51**                      **Subdivisions**: Any subdivision or resubdivision of land, or combining of lots within the City of Troy, and within unincorporated areas lying within three (3) miles of the Troy City limits, shall be carried out in accordance with the Troy Subdivision Regulations, as amended, which are hereby incorporated by reference into this Ordinance.
- 6.52**                      **Site Plans**: This Section shall apply to all site plans as required in Section 6.53. The site plan procedures shall be required in order to ensure that site-specific development projects meet the requirements of this Ordinance prior to the issuance of approval by the Planning Administrator. Site plan approval is required before application and issuance of any building or applicable permits, but shall not constitute approval of such permit. It is the intent of this Section that the approved site plan be an integral part of the building permit application process, and that the site plan shall be the instrument by which improvements to the site will be constructed and inspected prior to occupancy of the development.
- 6.53**                      **Development Requiring Site Plan Approval**: In addition to compliance with other requirements imposed by this Ordinance, site plan review and approval by the Planning Administrator shall be required for all proposed non-residential construction, mobile home parks / developments, manufactured home parks / developments, retirement or assisted-living facilities, nursing homes, recreational vehicle park developments, multi-family structures, and developments with more than one residential structure per tract or lot prior to issuance of any applicable permits. Site plan approval shall also be required for the subdivision of an existing development site of a type subject to the site plan requirements of this Ordinance, and/or an expansion, reduction or reconfiguration

of any such development type. For all proposed development in which it is unclear if site plan approval is required, the Planning Administrator shall determine if site plan approval is necessary.

**6.54**      **Submission and Review:** An application for site plan review shall be submitted on the application form provided by the Planning Department. The application shall include all information as requested on the application form. Preliminary review with the Planning Administrator, prior to a formal application is encouraged. If the application is not complete, the Planning Department shall notify the applicant indicating necessary steps to cure the incomplete application. The application shall be submitted with drawings showing the location of the site and all existing and proposed improvements with sufficient information to evaluate impacts on adjacent properties. Sheet size shall be large enough to document all physical features and shall be suitable for public record. The application does not require public notice nor public hearing. The City Council may, at its discretion, establish by resolution a fee to cover the costs of the site plan review.

Except as otherwise required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for Site Plan Review. At his/her discretion, the Planning Administrator may waive this requirement in whole or in part to allow the processing of permit applications at various other levels of government to proceed concurrently with Site Plan Review.

The site plan shall be reviewed by the Planning Administrator and may be referred for review and report by other City departments and appropriate officials. The review will take into consideration the requirements set out in this Ordinance and may also take into consideration compliance with all applicable federal, state, county, and city laws, codes, regulations, and ordinances.

The Planning Administrator may refer any site plan to the Planning Commission for its consideration and approval.

The Planning Department shall notify the applicant of the approval or disapproval of the site plan. In the case of approval, specific changes, if any, required to be made shall be stated. If such changes require alterations to the site plan, the Planning Administrator may require such site plan to be resubmitted for site plan review and approval once said alterations are incorporated.

**6.55**      **Site Plan Content:** The site plan shall contain all information as reflected on the current Planning Departmental check list for a site plan, which said check list may be modified at the discretion of the Planning Administrator, when applicable.

For development sites of one (1) acre or more, full engineering drawings must be submitted by an engineer registered in the State of Alabama. At the Planning Administrator's discretion, the same requirement may be applied to sites of less than one (1) acre where the Planning Administrator determines that the plan proposes uses or activities that may have a substantial impact on surrounding properties. The Planning Administrator may require additional information deemed to be appropriate or necessary for proper review.

**6.56**      **Standards for Site Plan Review:** The following criteria, where applicable, may be considered in determining whether to approve a site plan:

1.    Completeness of application information as required;
2.    Compliance with the Comprehensive Plan;
3.    Uses permitted on the development site under the provisions of this Ordinance;
4.    Whether the site plan meets applicable design and development standards established by this Ordinance;

5. Availability and adequate capacity of public facilities to serve the development, such as roads, sewer, water, schools, solid waste disposal, and fire protection (including access to the site for emergency vehicles);
6. Adequate provisions for surface and stormwater drainage; and
7. Compatibility with surrounding land uses.

**6.57** **Approval of Site Plan:** Site plan approval is required before application and issuance of any building or applicable permits, but shall not constitute approval of such permit. Upon final approval of a site plan, no structures, uses, or development of any kind shall be permitted on a development site except in accordance with the site plan and related approved plans. Upon approval of a site plan, the Planning Administrator shall stamp, sign and date the site plan, then forward a copy of the approved site plan to the Building Department noting such approval with any noted conditions or stipulations.

Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the Building Official for permitting.

Nothing contained herein shall preclude the Building Department from accepting for review and processing building construction plans related to the structural, mechanical, electrical, and plumbing systems prior to final approval of a site plan, subject to such conditions as may be established by that department relative to processing of site plans prior to final approval.

In such instances, no building permit will be issued until the Planning Department has issued a site plan approval and such approval is on file in the Building Department. All building and construction permits issued for any project requiring site plan review shall be consistent with the approved site plan. The approval of a site plan shall not under any circumstances be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

**6.58** **Expiration of Site Plan Approval:** Approved site plans shall remain valid for eighteen (18) months after final approval, and a building permit for the development may be obtained during that time period, if all other requirements of this Ordinance have been met.

The Planning Administrator may make one extension of site plan approval for a single period up to six (6) months from the date when a site plan would otherwise expire. An extension may be granted if the Planning Administrator concludes that the applicant or developer has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than thirty (30) days before the expiration of the approved site plan stating the reason for the time extension request.

Requests for any extension in excess of the one six (6) months extension shall not be granted. Instead, the applicant shall submit a new application for review in accordance with the procedure provided in Section 6.5 of this Ordinance.

**6.59** **Amendment, Revision of Site Plan:** A site plan, and site plan approval, issued thereon, may be amended upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 6.5 of this Ordinance.

*(Section 6.5 as amended by Ordinance 355 dated October 27, 2015)*

## ARTICLE SEVEN

### ADMINISTRATION and ENFORCEMENT

#### **Section 7.1**            **Administration**

**7.11**        **Administration:** The provisions of this Ordinance shall be administered by the Troy City Council in accordance with the authority granted by Section 812 through Section 785, Code of Alabama, 1940, as same may be amended.

**7.12**        **Administrator:** The Troy City Council shall designate a Zoning Administrator to effect proper administration of this Ordinance. The Zoning Administrator shall have the right to enter upon any premises during a reasonable period of time prior to the issuance of a Certificate of Occupancy for the purpose of making inspections of the buildings or premises necessary to carry out his duties in the administration and enforcement of this Ordinance.

#### **Section 7.2**            **Enforcement**

**7.21**        **Building Permit:** It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field office, or to commence the moving, alteration, or repair (except repairs not changing the character of the structure and not exceeding \$500 in cost, or painting or wallpapering) or any structure, including accessory structures, until the Zoning Administrator has issued for such work a Building Permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. Except on the written order of the Board of Adjustment, no Building Permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of the provisions of this Ordinance. Application for a Building Permit shall be made to the Zoning Administrator on forms provided for that purpose.

#### **7.22**        **Application Requirements:**

7.221        It shall be unlawful for the Zoning Administrator to approve any plans or issue a Building Permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Zoning Administrator shall require that every application for a Building Permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat, drawn to scale, showing:

1.    The location, shape, area and dimensions of the lot.
2.    The location, dimensions, height and bulk of the structures to be erected, altered or moved and any buildings or other structures already on the lot.
3.    The existing and intended use of all such buildings or other structures.
4.    The proposed number of dwelling units, occupants, employees or other similar users.
5.    The setback, side yards, open spaces, parking spaces and other such requirements of the applicable zoning district.
6.    Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

7.222        If the proposed excavation, construction, moving, or alteration as set forth in the application, is in conformity with the provisions of this Ordinance, the Zoning



Administrator shall issue a Building Permit accordingly. If an application for a Building Permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a Building Permit shall, in no case, be construed as waiving any provision of this Ordinance.

**7.23      Voiding of Building Permit:**

7.231      Any Building Permit granted under this section shall become null and void within one (1) year from the date of issuance of the permit. Extensions for specified periods and documented in writing may be made if the proposed development or construction has passed the first building inspection.

The Zoning Administrator shall make every reasonable effort to notify a holder of a Building Permit which is liable for voiding action before voidance is actually declared.

**7.24      Inspection:** The construction or usage affected by any Building Permit shall be subject to a minimum of three (3) inspections: The first, when the foundation has been completed and building lines have been established; second, to be made after the roof, all framing, fire blocking, and bracing is in place, all concealed wiring, pipes, chimney ducts and vents are complete; and third, when the building or structure has been completed and ready for occupancy.

7.242      It shall be the duty of the holder of the permit to properly notify the Zoning Administrator as to the time when the construction will be ready for inspection. Failure to make proper notification of the time for such inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

**7.25      Certificate of Occupancy:**

7.251      No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Zoning Administrator of the City shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.

7.252      Within three (3) days after the owner or his agent has properly notified the Zoning Administrator that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

**7.26      Utility Hook-Up:** No building or other structure hereinafter erected shall be served by any utility service, except of a temporary nature to facilitate construction of such structure or building, until after completion or correction of all items noted on the second inspection. Any person, contractor, corporation or utility company in violation of this section shall be liable under Section 7.27 below.

**7.27      Penalties:** Any person violating any provision of this Ordinance shall be fined upon conviction not less than \$50.00 nor more than \$250.00 and costs of court for each offense. Each day of such offense shall be a separate offense.

**7.28      Remedies:** In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator or any other appropriate authority or any adjacent or neighboring property owner, who would be especially damaged by such violation, in addition to

other remedies, may institute an injunction, mandamus or other appropriate measure to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to correct or abate such violations or to prevent occupancy of such building, structure or land.

## ARTICLE EIGHT

### BOARD OF ADJUSTMENT

In order that the objectives of this Ordinance may be more fully and equitably achieved, and that there shall be provided a means for competent interpretation of this Ordinance, and that adequate but controlled flexibility may be provided in the application of this Ordinance, and that the health, safety and welfare of the public may be secured and justice be done, there is hereby established a Board of Adjustment in accordance with the authority granted, governed and controlled by the Code of Alabama, 1975, as same may be amended.

#### **Section 8.1**                      **Establishment & Membership of the Board of Adjustment**

- 8.11**            **Establishment and Appointment:** A Board of Adjustment is hereby established. The Board shall consist of five (5) members, each to be appointed for a term of three (3) years by the City Council except that in the first instance one (1) member shall be appointed for a term of three (3) years, two (2) for a term of two (2) years, and two (2) for a term of one (1) year. Members shall be eligible for reappointment. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- 8.12**            **Supernumerary:** In addition to the five (5) regular members, two (2) supernumerary members shall be appointed to serve on such Board at the call of the Chairman, only in the absence of regular members, and while so serving have and exercise the power and authority of regular members. Such supernumerary members shall be appointed to serve for three (3) years and shall be eligible for reappointment.
- 8.13**            **Removal:** Each member may be removed for cause by the City Council upon written charges and after a public meeting.

#### **Section 8.2**                      **Governing Rule**

The Board of Adjustment of the City of Troy, Alabama, hereinafter referred to as the "Board," shall be governed by the provisions of Title 11, Chapter 52, Article 4, Section 11-52-80, et. seq., of the Code of Alabama, 1975, and by the provisions of this article. The board may adopt such rules as shall not be inconsistent with this chapter and the provisions of law. The organization and functioning of the board shall be in accordance with section 11-52-80 Code of Alabama (1975) as amended, or as the same may hereafter be amended.

#### **Section 8.3**                      **Application**

- 8.31**            **Application Required:** To request a hearing before the Board of Adjustment, an applicant shall complete appropriate forms provided by the Planning Department, along with all required material. Applications shall be submitted to the Secretary of the Board of Adjustment, on or before the filing date of each calendar month. Refer to the Board of Adjustment's bylaws for more specific information.
- 8.32**            **Fee Required:** Every applicant seeking a hearing before the Board of Adjustment, shall pay the City at the time of filing such application, a nonrefundable application fee of \$75.00. No such application shall be deemed filed for consideration until such fee has been paid.

#### **Section 8.4**                      **Hearings**

- 8.41**            **Hearings:** The Board of Adjustment shall fix a reasonable time for the hearing of the application as determined by the filing date of the application, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time.

- 8.42**      **Public Hearings:** In addition to those required by law, the Board, at its discretion, may hold public hearings when it decides that such hearings will be in the public interest, and the public shall receive proper legal notice as to time and location of public hearings as required by law.
- 8.43**      **Notice Required:** For purposes of providing information concerning applications for a hearing, the board shall also cause the following notice to be given:
- 8.431      **Publication of Legal Notice:** The board shall give public notice of hearing upon each application by publication in a newspaper of general circulation within the City; such notice shall be given seven (7) days in advance of the time set for the hearing. Such notice shall state the location of the property and the general nature of the request. The foregoing shall constitute legal notice in all respects as provided by law.
- 8.432      **Posting Notice:** Post, in a conspicuous place on the property involved, a notice of pending action; such posting will be placed at least seven (7) days prior to the public hearing date.
- 8.433      **Written Notice:** Written notices shall be mailed by the secretary of the board to the applicant and to the owners of land immediately adjoining the applicant's site by first class United States Postal Service. Such notice shall be deemed given when deposited in the United States mail, first class postage paid, addressed to such property owners at their addresses as contained in the records of the County Tax Assessor's Office. The written notice shall be given at least five (5) days in advance of the hearing and shall contain the time and place of the hearing.
- 8.44**      **Required Representation:** At the time of the hearing, the applicant must appear in his own behalf or be represented by counsel or agent.

## **Section 8.5**                      **Duties and Powers**

- 8.51**      The Board shall have the following duties and powers:
- 8.511      **Administrative Review:** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.
- 8.512      **Special Exceptions:** To hear and decide special exceptions to the terms of this Ordinance upon which such board is required to pass under this Ordinance.
- Conditions and Safeguards:** In granting Special Exceptions the Board may require conditions and safeguards as deemed appropriate to insure the intent of the Zoning Ordinance. Such conditions may relate to, but not limited to, provisions for: purpose, compatibility, suitability, serviceability, accessibility, and conformity.
- 8.513      **Variances:** To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.
- 8.514      **Uses Not Provided For:** Whenever, in any district established under this Ordinance, a use is neither specifically permitted, specifically permitted on appeal nor specifically prohibited, the Board of Adjustment shall have the authority to permit the use or deny the use. The Board of Adjustment, as a special exception, may permit such use if it is similar to and compatible with permitted uses or uses permitted on appeal in the

district and in no way is in conflict with the general purpose and intent of this Ordinance.

**Section 8.6**                    **Appeals from Action of the Board of Adjustment**

Any appeals from the final judgement or decision of the Board of Adjustment shall be governed by the provisions of Title 11, Chapter 52, Article 4, Section 11-52-81, of the Code of Alabama, 1975.

*(Article VIII as amended by Ordinance 355 dated October 27, 2015)*

## **ARTICLE NINE**

### **AMENDMENT**

#### **Section 9.1**      **Zoning Amendment Petition**

The City Council of the City of Troy, Alabama, may amend, supplement, change, modify or repeal the regulations, restrictions, boundaries of districts or any provision of this Ordinance. Any member of the City Council may introduce such amendment; or any official, board, commission or any other person may present a petition to the City Council requesting an amendment or amendments to this Ordinance.

#### **Section 9.2**      **Planning Commission Review**

9.21 No such amendment shall become effective unless such be first submitted for approval, disapproval, or recommendations to the Planning Commission. If the Planning Commission within 30 days disapproves an amendment after such submittal, it shall require the favorable vote of four (4) members of the City Council to become effective. If the Planning Commission neither approves nor disapproves such proposed amendment within 30 days after such submittal, shall be deemed as favorable.

9.22 The Planning Commission upon its own initiative may hold public hearings, public notice of such shall be given, for the consideration of any proposed amendment to the provisions of the Ordinance, or to the Official Zoning Map, and then report its approval, disapproval or recommendations to the City Council.

#### **Section 9.3**      **Public Hearing on Proposed Amendment**

Upon the introduction of any amendment to this Ordinance or upon the receipt of a petition to amend this Ordinance, the City Council shall publish notice of such request for an amendment, together with a notice of the time and place set for public hearings by the City Council on the requested change. Said notice and the proposed amendment shall be published in a paper of general circulation for 15 days prior to the public hearing date.

#### **Section 9.4**      **Time Limit**

After the City Council has voted on the application for rezoning or other amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land, or change of the same portion of the Zoning Ordinance will not be considered until a period of one (1) year has elapsed from the date of such action by the City Council. Provided, however, that the City Council may adjust this time period if, in the opinion of a majority of the City Council, an unusual situation or circumstance exists.

#### **Section 9.5**      **Filing Fee**

Every applicant or petitioner seeking an amendment to the Zoning Ordinance or Official Zoning Map of the City of Troy other than amendments initiated by the City Council, Zoning Administrator or Planning Commission, shall pay the City at the time of filing such petition or application, a fee of \$50.00 plus any additional cost incurred by the City. No such petition or application shall be deemed filed for consideration until such fee has been paid.

*(Section 9.5 as amended by Ordinance 308 dated April 27, 2010)*

## ARTICLE TEN

### LEGAL STATUS PROVISIONS

#### **Section 10.1**      **Interpretation**

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare.

#### **Section 10.2**      **Conflict with Other Ordinances**

In case of a conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Troy, the most restrictive shall in all cases apply.

#### **Section 10.3**      **Validity**

If any section, subsection, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, or part thereof of this Ordinance which is not of itself invalid or unconstitutional.

#### **Section 10.4**      **Penalties and Remedies**

- 10.41      **Penalties:** In case any building or structure is demolished, erected, constructed, reconstructed, altered or repaired, converted or maintained, or any structure or land is used in violation of any provision of this Ordinance or any amendment hereto hereafter enacted, or in the event of the violation by any property owner(s) of the provisions of this Ordinance or any such amendment, such violation shall be held to be municipal offense the charge for such violation hereof to be brought in and determined by the Recorder's Court of Troy, Alabama or the Municipal Court of Troy, Alabama and the offender, upon conviction, shall be punished by a fine of not more than \$250.00, or imprisoned for not more than 90 days, either or both; and each day that any structure or land is used in violation of this Ordinance shall constitute a separate offense.
- 10.42      **Civil Remedies:** In any case in which any building or structure is or is proposed to be demolished, erected, constructed, reconstructed, altered, maintained, or used, or any land is, or which is proposed to be, used in violation of this Ordinance or amendment hereto adopted by the Council of Troy, Alabama, the legal counsel of such municipality or any owner of real estate within the district in which such building, structure or land is situated may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or actions, proceeding or proceedings, to prevent enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

## ARTICLE ELEVEN

### DEFINITIONS

#### **Section 11.1**      **General Terms**

- 11.11      For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:
- 11.111      The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  - 11.112      The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
  - 11.113      The word shall is mandatory, the may is permissive.
  - 11.114      The words used or occupied include the words intended, designed, or arranged to be used or occupied.
  - 11.115      The word lot includes the words plot or parcel.

#### **Section 11.2**      **Definition of Words or Phrases**

- 11.21      Definition of words and phrases beginning with the letter “A”.

**Accessory Structure:** A subordinate structure, detached from but on the same lot as the principal structure, the use of which is incidental and secondary to that of the principal structure.

**Accessory Use:** An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. Also known as Accessory Use of a Structure.

**Alley:** Any public or private way set aside for public travel, less than 30 feet in width.

**Alteration or Altered:** As applied to a building, or structure, means a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or increasing in height, or in the moving from one location or portion to another.

**Apartment House:** A building for use as and including at least three (3) independent dwelling units.

**Automobile Storage or Standing Space:** An area reserved and suitable for automobile storage, standing or parking space. Each space shall be a minimum of 200 square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

*(Section 11.21 as amended by Ordinance 355 dated October 27, 2015)*

- 11.22      Definition of words and phrases beginning with the letter “B”.

**Boarding House:** A building other than a hotel, café, or restaurant, where, for compensation, meals are provided for three (3) or more persons.

**Bufferyard:** A unit of land, together with a specified type and amount of planting thereon, and any fence, wall, or berm which may be required between land uses to eliminate or minimize conflicts between them. Benefits derived by the community include the protection and enhancement of property values, the reduction of stormwater runoff from parking lots, the reduction of erosion and sedimentation, the improvement of groundwater quality and air quality, and the provision of shade in parking lots thus minimizing solar heat gain.



**Building Area:** The portion of a lot remaining after required yards have been provided, which is occupied by, but is not limited to, the main structure, porches, decks, carports, and accessory buildings and/or structures.

**Building:** Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationary or movable.

**Accessory Building:** A building, detached from but on the same lot as the principal structure, which: (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. Such buildings include, but are not limited to, private garages, carports, utility buildings, tool sheds, non-commercial greenhouses, etc. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

**Attached Building:** A building which has one (1) or more party walls in common with adjacent buildings.

**Building Coverage:** That percentage of the plat or lot covered by the building area.

**Building Height:** A vertical distance measured from the elevation of a proposed finished grade to the highest point of the roof for flat roofs, and to the deck lines of a mansard roof, and to the mean height between the eaves and ridge for gable, hip, or gambrel roof.

**Detached Building:** A building with no party walls.

**Principal Building:** A building in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed to be the principal building on the lot in which the same is situated.

**Building Permit:** A permit required by this Zoning Ordinance or the Building Code for the construction, alteration, razing or change of use of any structure.

**Building Setback Line or Building Line:** A line within and across a lot defining the required minimum yard between any structure and any adjacent street line.

*(Section 11.22 as amended by Ordinance 355 dated October 27, 2015)*

11.23 Definition of words and phrases beginning with the letter “C”.

**Carport:** A one (1) story structure attached to the principal building, open and to remain open to weather, to be used for the shelter of an automobile.

**Cartway:** The surface of a street or alley available for vehicular traffic or the area between curbs.

**Change of Use:** An alteration of a building, or change of use thereof existing within a building or on a lot to a new use which imposes other provisions of the Building Code or Zoning Code.

**Conversion Apartments:** Any dwelling or other building converted for occupancy by two (2) or more families.

11.24 Definition of words and phrases beginning with the letter “D”.

**Drainage:** The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

**Dwelling:** A house, apartment building, or other building designed or used primarily for human habitation. The word “dwelling” shall not include boarding or rooming house, motels, hotels or other structures designed for transient residence.

**Dwelling, Single-Family:** A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

**Dwelling, Mobile Home:** A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer or recreation vehicle is not to be considered as a mobile home.

**Dwelling, Two-Family:** A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

**Dwelling, Multi-Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

*(Section 11.24 as amended by Ordinance 355 dated October 27, 2015)*

11.25 Definition of words and phrases beginning with the letter “E”.

**Essential Community Facilities:** The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

**Exterior Security Lighting Systems:** (residential areas) Shall be designed to reflect light away from neighboring properties. Not to be identified with the spot lighting used for security purposes.

11.26 Definition of words and phrases beginning with the letter “F”.

**“Family”** shall mean any of the following:

- (1) A person living alone as a single non-profit housekeeping unit;
- (2) A family unit comprised of persons related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, eating, and housekeeping facilities;
- (3) A number of unrelated persons but not exceeding two (2) living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, eating, and housekeeping facilities;
- (4) A number of unrelated persons but not exceeding two (2) and any children related to either of them by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, eating, and housekeeping facilities.

**“Family”** shall not mean and shall not include any of the following:

- (1) Any society, club, fraternity, sorority, association, lodge, federation, or other like organization.
- (2) Any group of individuals whose association is temporary or seasonal in nature.

It is the intention of the City Council that the requirements for persons to be classified as a family under the provisions of this Ordinance shall be strictly construed and shall be mandatory.

**Fence:** A structure which is built, constructed, or composed of parts joined together of material in some definite manner, in which the prime purpose is to separate and divide, partition, enclose or screen a parcel or parcels of land.

**Floor Area:** The gross horizontal areas of all floors measured from exterior walls of the building. Basements and cellars shall not be included in the gross floor area.

**Frontage, Street:** All the property on one (1) side of a street between two (2) streets which intersects such street (crossing or termination) measured along the line of a street, or if the street is dead-ended then all of the property abutting on one (1) side between a street which intersects such street and the dead-end of the street.

*(Section 11.26 as amended by Ordinance 249 dated May 9, 2006 and Ordinance 326 dated June 26, 2012)*

11.27 Definition of words and phrases beginning with the letter "G".

**Garage, Private:** An accessory building designed or used for the storage of a motor-driven vehicle owned and used by the occupants of the building to which it has accessory.

**Grade:** The average of the finished ground surfaces adjacent to the exterior walls of the building.

**Guest Home:** A building arranged or used for rooming, with or without meals, but for compensation, designed as an accessory use to a single-family dwelling and in which no provision is made for cooking in any of the individual rooms or suites. A guest home must be owner-occupied with the owner of the structure residing permanently on the premises. No structural alterations shall be made to the building except as may be necessary for safety purposes. The parking requirements shall be the following: one (1) off-street parking space for each guest room. All guest homes must meet the requirements of the State Health Department.

11.28 Definition of words and phrases beginning with the letter "H".

**Hedge:** Trees, vines, and/or shrubs which are planted in a substantially uniform configuration, grown and joined together in some definite manner and generally pruned to a uniform shape, creating a substantial barrier to sight. See also "Fence."

**Hotel:** Any building or portion thereof which contains at least ten (10) guest rooms intended for occupancy by individuals for compensation whether paid directly or indirectly.

*(Section 11.28 as amended by Ordinance 326 dated June 26, 2012)*

11.29 Definition of words and phrases beginning with the letter "I".

**Impervious Surface Ratio (ISR):** The portion of a lot that is covered by impenetrable materials, such as concrete, asphalt, buildings, etc. It is calculated by adding the square footage area of all impervious surfaces on the lot and dividing that total by the total lot area square footage.

*(Section 11.29 as amended by Ordinance 355 dated October 27, 2015)*

11.210 Definition of words and phrases beginning with the letter "J".

**Junkyard:** Shall include any lot or parcel of land on which is kept, stored, bought, or sold, articles commonly known as junk, including scrap paper, scrap metal, and used automobile bodies and parts.

11.211 Definition of words and phrases beginning with the letter “K”.

**Kennel or Stable:** The use of any lot for keeping, boarding, or training for fee whether in special buildings or runways or not including but not limited to dog and cat kennels and horse stables.

11.212 Definition of words and phrases beginning with the letter “L”.

**Lot:**

**Corner Lot:** A lot with two (2) adjacent sides abutting in streets or other public places which has an interior angle of less than 135 degrees at the intersection of the two (2) street lines. A lot abutting in a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the sub lot lines with the street line intersect at an interior angle of less than 135 degrees.

**Double-Frontage Lot:** A lot which extends from one (1) street to another with frontage on both sides.

**Lot Depth:** The horizontal distance from the street line of a lot to its opposite rear lot line measured in the general direction of the side lot lines.

**Lot Width:** The distance measured between the side lot lines at the required building, setback line; in a case where there is only one (1) side lot line, between such lot line and the opposite lot line.

**Reverse Frontage Lot:** A lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.

**Lot Lines:**

**Lot Lines:** A line dividing one (1) lot from another or from a street or any public place.

**Rear Lot Line:** Any lot line which is parallel to or within 45 degrees of being parallel to a street line, except for a lot line that is itself a street line and in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot which is odd shaped, only the one (1) lot line farthest from any street shall be considered a rear lot line. In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner lot of the farthest from the street shall be at least twice the normally required rear yard.

**Side Lot Line:** Any lot line which is not a street line or a rear lot line.

11.213 Definition of words and phrases beginning with the letter “M”.

**Main Structure:** A structure in which is conducted the principal use of the lot on which it is located. In any residential district any dwelling structure shall be deemed to be the principal building on the lot on which the same is situated.

**Manufactured Home:** A structure, transportable in one or more sections, which when erected on site measures eight body feet or more in width and 32 body feet or more in length, built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. A manufactured home can be new. A new manufactured

home is a manufactured home which is still in the possession of the manufacturer, dealer, or first purchaser of the manufactured home. For the purpose of these provisions, a trailer home, modular home, mobile home, and/or house trailer shall be considered a manufactured home.

**Manufactured Building:** A closed structure, building assembly or systems of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches, or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage, and industrial structures. "Mobile homes" or "manufactured homes" are excluded. "Manufactured building" may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Excluded from the definition of "manufactured building" shall be any temporarily placed building, trailer, or structure maintained by a licensed general contractor or subcontractor for purposes of storage, office space, or any other construction related function at a project site. Manufactured buildings must be constructed to meet the requirements of the City's building code and construction regulations as well as any other design standards the City may adopt which apply to conventional construction.

**Modular Home:** A manufactured single-family or multi-family dwelling, or an integral part, so constructed that it may be transported from manufacturing site to a permanent site to be permanently fixed to real estate, made up of one (1) or more components and constructed with the same or similar electrical, plumbing, heating, and sanitary facilities as on-site constructed housing, and designed to meet the various construction codes that have been adopted by the City.

**Motor Court:** A building or group of buildings containing one (1) or more guest rooms having separate outside entrances for each room or suite of rooms and for each of which rooms or suites of rooms automobile parking space is provided.

**Multi-Family/Apartment Structure:** A building with three or more dwelling units designed for or occupied by three or more families with separate cooking and housekeeping facilities for each unit, where either the units share a common entrance from the exterior of the building or any single unit has a common wall or floor with more than two other units and where the number of families in residence does not exceed the number of dwelling units provided.

*(Section 11.213 as amended by Ordinance 355 dated October 27, 2015)*

11.214 Definition of words and phrases beginning with the letter "N".

**Nursing Home:** A licensed establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator, and who, by reason or chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital shall not be construed to be included in this definition.

**Nursery School:** Any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public school system.

11.215 Definition of words and phrases beginning with the letter "O".

**Occupancy or Occupy:** The use of a dwelling unit or portion thereof for living, sleeping, cooking or eating purposes. Indicia of occupancy may include, but shall not be limited to, the use of a dwelling unit as an address for any purpose, living in a dwelling unit under an implied lease or express agreement, or maintaining clothes or other daily living supplies at a dwelling unit. Prima facie proof

of occupancy of a dwelling unit is established in any prosecution for violation of single-family occupancy in the RR, R1, and PH-50 districts of this Ordinance if it is shown that the same three or more vehicles with registration to persons having different surnames or addresses were parked overnight at the dwelling unit a majority of the nights in any 10 business day investigation period. This establishment of a prima facie level of proof in this definition shall not preclude a showing of "occupancy" of a dwelling unit by a person in any other manner.

*(Section 11.215 as amended by Ordinance 355 dated October 27, 2015)*

11.216 Definition of words and phrases beginning with the letter "P".

**Planned Unit Development:** A large development consisting of one (1) or more contiguous tracts of land which is planned and developed as an integrated unit conforming to the density requirements for the zone in which it is located but not necessarily to the individual lot size requirements.

**Public Notice:** Notice published in a newspaper of general circulation at least seven (7) days prior to the public hearing date. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

11.217 Definition of words and phrases beginning with the letter "Q".

None

11.218 Definition of words and phrases beginning with the letter "R" and "S".

**Recreational Vehicle:** A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.

**Recreational Vehicle Park:** Real property on which sites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes which may include, but shall not be limited to, recreation or vacation. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership; however, the sale of memberships and assignment of campsites on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and bufferyards are privately owned or owned in common by members of a condominium association.

**Retirement or Assisted-Living Facility:** Homes for the aged, intermediate institutions, and related institutions, whose primary purpose is to furnish room, board, laundry, personal care, and other nonmedical services, regardless of what it may be named or called, for not less than twenty-four hours in any week, to three or more individuals not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities have difficulty living independently in their own homes or a commercial room and board situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there may be available temporarily the same type of limited medical attention as an individual would receive if he or she were living in his or her own home.

**Rooming House:** Any building or portion thereof that contains not less than three (3) or more than nine (9) guest rooms that are designed or intended to be used out for occupancy but individuals for compensation whether paid directly or indirectly.

**Right-of-Way:** Any public or private way set aside for public travel, 30 feet or more in width. The word street includes "roads," "highways," and "thoroughfares."

**Semi-Public Land Uses:** Philanthropic and charitable land uses including Y.M.C.A.'s and Y.W.C.A.'s, Salvation Army, churches and church related institutions, orphanages, human societies, private welfare organizations, non-profit lodges, and fraternal orders, hospitals, Red Cross and other general charitable institutions.

**Site Plan:** A plan, drawn to scale by a licensed engineer or other qualified professional, showing uses, structures, and all other physical features proposed for the development site, including but not limited to, bufferyards, parking, landscaping, drainage facilities and utilities, in accordance with the requirements of Section 6.5. Site plans shall include, in written form, all information necessary to determine whether the proposed development meets the requirements of this Ordinance.

**Street Line:** The property line which bounds the right-of-way set aside for public travel. Where sidewalks exist and the location of the property line is questioned, the edge of the sidewalk farthest from the travelway shall be considered the street line.

*(Section 11.218 as amended by Ordinance 355 dated October 27, 2015)*

11.219 Definition of words and phrases beginning with the letter "T" through "Z".

**Temporary Structure:** A business structure, not used as a residence or for habitation, of one (1) or more of the following types: portable or preassembled metal buildings or storage structures, tents, freestanding awnings, sun screens, sunshades, shelters and other structures composed of flexible materials, and all structures of a temporary character or intended for short-term occupancy. This term shall not include construction trailers, not used for sales or habitation, used at a site properly permitted for construction during such construction. This term shall not include portable or preassembled metal buildings used as accessory structures to primary, permanent business structures.

**Tourist Home:** A single-family dwelling rented or leased for short-term accommodations for terms of no less than two nights nor more than six months. Such properties are typically single-family homes that vacationers can rent and occupy as if it were their own home for the duration of their stay. Such homes must still conform to occupancy requirements and regulations for the district in which they are located. For the purpose of these provisions, holiday cottages, holiday homes, or vacation properties shall be considered a tourist home.

**Townhouse:** A single-family residential building attached to a series of other single-family residential buildings by not more than two (2) party walls. Townhouses shall be built in groups of not less than four (4) or more than eight (8) townhouses connected by party walls which shall have a minimum air space of one (1) inch between each. As uses herein, townhouse refers to single-family residential buildings, as described above, intended for sale to individuals and families, and not to residential units intended for rental purposes, whatever their configuration. Townhouses shall be platted on their own individual lots.

**Use:** The purpose for which the land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

**Variance:** Permission to depart from the literal requirements of this Ordinance granted pursuant to Section 8.514.

**Wall:** An upright structure separate from or extending from a building in which said structure is made of wood, stone, brick or other such material serving to enclose, divide, support or protect. This term includes retaining walls, freestanding walls, and decorative or privacy walls.

**Yard:** The open space on the lot between the lot lines or street right-of-way and the building line for the main building, left open, unoccupied and unobstructed by buildings and/or structures from the ground to the sky, except as otherwise provided in this chapter. Yards shall be measured from the wall of the building and/or structure to the property line. The maximum allowable roof overhang within any yard setback shall be 30 inches.

*(Section 11.219 as amended by Ordinance 326 dated June 26, 2012 and by Ordinance 355 dated October 27, 2015)*



**ARTICLE TWELVE**  
**SPECIAL REVIEW PROCEDURES**

The purpose of this article is to insure adequate review of specific developmental schemes that have direct influence on neighboring or contiguous land-use districts. This review is so intended to protect the private and public values and interest in residential and business districts.

**Section 12.1**      **Planned Unit Developments**

The intent of this section is to provide an opportunity for the best use of land, protection of valuable natural features in the community, and economical public services. The purpose of this provision is to encourage the unified development of tracts of land by permitting, within the confines of an overall density limitation, more creative and flexible concepts in site planning than would be possible through the strict application of requirements established in this Zoning Ordinance. When such feasibility is permitted, planned development project design and construction which shall follow a carefully devised plan of development which shall be prepared in accordance with the standards, procedures and approvals herein prescribed.

**12.11**      **Classes:** The following classes of planned unit developments are established:

12.111      **"A" (Fixed Dwelling) Planned Unit Developments:** A group of two (2) or more fixed dwelling structures, together with other permitted uses, on a parcel of ground not less than ten (10) acres in area in single ownership, and not less than 300 feet in frontage on a public street which frontage shall serve as the principal means of access to the property.

"A" PUDs will be allowed in R-1, R-2, R-3, A-1, and RR districts.

12.112      **"B" (Mobile Home) Planned Unit Residential Developments:** Within the scope of the general purpose of planned developments, the purpose of this class is to recognize the increasing demand for the mobile home development type of residential area, and to provide for the appropriate development of such areas. It is intended to provide locational requirements and developmental standards which will lead to the development of stable and desirable mobile home developments, compatible with other uses in the vicinity.

Plans may be submitted for any parcel of land of five (5) acres or more in single ownership, zoned appropriately, for a mobile home planned unit development.

"B" PUDs will be allowed in MH, MHR and RR districts.

"B" PUDs may be either mobile home parks with rental spaces and/or mobile homes, or mobile home subdivisions with individual ownership of lots.

12.113      **"C" Commercial Planned Unit Developments:** Within the scope of the general intent of the planned developments, the purpose of this class is to recognize that tracts of land of considerable size can be developed, redeveloped, or renewed as integrated and harmonious units for commercial uses. The provisions of this Ordinance may be applied to any shopping center, retail structure or group of structures including those contained under one (1) roof, having a total planned floor area of more than 13,000 square feet; any light industrial park or distribution warehouse of 15 acres; or heavy industrial park or distribution warehouse of 20 acres.

"C" PUDs will be allowed in RR, C-4, C-3, C-1, M-1 and M-2 districts.

- 12.12      General Regulations:** The following general regulations shall apply to all planned unit developments which:
- 12.121      Shall be in conformity with the Comprehensive Plan or portion thereof as it may apply.
  - 12.122      Shall be consistent in all respects with the purposes and intent of this Zoning Ordinance.
  - 12.123      Will advance the general welfare of the City and immediate vicinity.
  - 12.124      Will provide, through desirable arrangement and design, benefits which justify the deviations from development standards which would otherwise apply.
  - 12.125      If it is determined that the development is a subdivision according to the laws of Alabama, it shall also be reviewed and approved according to the Subdivision Regulations of the City of Troy, Alabama.
- 12.13      General Development Regulations:** The following development regulations shall apply to all planned unit developments.
- 12.131      Provisions of residential districts, as applicable, shall be adhered to in all planned unit developments.
  - 12.132      All land proposed in the project for residential use, including outdoor use of space, off-street parking, interior drives and other circulation ways, may be counted in complying with the density requirements.
  - 12.133      For any single-family or two-family dwelling or any dwelling unit in a townhouse building there shall be a privately occupied area. This private space shall include the space occupied by such dwelling or dwelling unit, with adjoining open space assigned exclusively to such dwelling unit of not less than 600 square feet in addition to private parking area if any.
  - 12.134      All open space not assigned to private occupancy as set forth above shall be assigned to common use of all residents of the development, with such use assured in perpetuity. Assignment and development of such open spaces shall be as follows:
    - 1.            Access driveways.
    - 2.            Landscaped area, comprising no less than ten percent of all common open space required by this section, may include the following:
      - (1)      Pedestrian access walkways.
      - (2)      Children's play areas.
      - (3)      General landscaped areas, flower gardens and areas for passive recreation.
      - (4)      Swimming pools, including accompanying accessory structures, and areas for organized sports.
      - (5)      Any other areas suitable for the common enjoyment of the resident.
  - 12.135      Every residential structure in a development shall be within 200 feet of a hard surfaces access drive no less than 20 feet wide or a parking lot connected with such a drive. In addition, every dwelling or ground floor dwelling unit shall be directly accessible to service and emergency vehicles.

12.136 Private streets on common easements may be used to provide vehicular access to not more than 30 dwelling units on any one (1) such drive. In all other respects, the system of vehicular circulation for a development shall be provided by dedicated streets complying with the Subdivision Regulations.

12.137 Building spacing requirements should be based on the following factors:

1. Privacy: The minimum building spacing requirements is intended to provide privacy within the dwelling unit. Where windows are placed in only one (1) of two (2) facing walls or there are not windows, or where the builder provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building spacing may be reduced.
2. Light and Air: The building spacing provides one (1) method of ensuring that each room has adequate light and air. Building spacing may be reduced where there are not windows or very small window areas and where rooms have adequate provisions for light and air from another direction.

#### **12.14 Uses Permitted:**

12.141 Principal Uses: Dwelling units of a permanent nature, for ownership or rental. Non-transient mobile homes are allowed in "B" PUDs.

Public parks and specialized recreation centers.

12.142 Uses Permitted on Appeal:

1. Home Occupations: Facilities for use of residents of the development for recreation, children's nursery, kindergarten, laundry or similar services, any similar facility.
2. Off-Street Parking Lots or Garages: Stores of the "local family shopping" or "convenience" nature provided (primarily), for the use, of the residents, in any development comprising 300 or more dwelling units, with such commercial facilities subject to requirements in the C-1 Neighborhood Commercial District. Maximum area devoted to such commercial uses shall be one (1) acre or .05 percent of total acreage in the project, whichever is greater.

#### **12.15 Other Requirements:**

12.151 Locational Requirements: Each planned unit development:

1. Shall be free of objectionable environmental characteristics, such as poor drainage, air pollution, undue noise, unsightliness and similar problems, to the same degree as other residential area.
2. Shall be so located as to assure a maximum of compatibility with other types of development.

12.152 Open Space, Site Size and Density:

1. Minimum Site Size: Ten (10) acres for fixed planned unit development; five (5) acres for a mobile home planned unit development.
2. Maximum Density: ..... Fourteen (14) units per acre.

3. Property Line Setback: ..... Forty (40) feet.

4. Minimum Usable Open Space: .....Twenty-five percent (25%).

**12.16 Development Bonuses for Fixed Dwelling Developments:** In order to encourage provision of innovative designs, lessen costs of providing public services, lower housing costs for individuals and encourage provision of amenities in small residential, commercial development, a schedule of development onuses is set forth giving additional dwelling units for residential developments and additional amounts of floor area for other uses.

12.161 In exercising the development bonuses option, the following principles must be sustained:

1. Bonuses are only permitted in the specified districts.
2. For residential areas, the maximum permitted density within the zoning district cannot be exceeded.
3. Schedule of development bonuses: Residential

<u>Amenity Factor</u>	<u>Bonus (Density)</u>		
Clustering of buildings	10%	increase	in dwelling units
Provision of plazas, malls and other internal pedestrian systems	15%	increase	in dwelling units
Preservation of irreplaceable features (natural or man-made)	10%	increase	in dwelling units
Construction of portions of planned linear parks or bike systems	10%	increase	in dwelling units
Distinctive landscape or street-scape furnishing (e.g. signs, benches)	15%	increase	in dwelling units
Public facilities, including site building space or facility	25%	increase	in dwelling units
Additional improved common open space	1% of each,	1% of area added	

**12.17 Special Requirements for Mobile Home Developments:**

12.171 Park or Subdivision Size, Density, Lot Width:

1. Five (5) acres.
2. Maximum Density: Fourteen (14) mobile homes per acre, or one (1) per lot or space.
3. Minimum Site Width on Major Traffic Artery: One hundred (100) feet.

12.172 Individual Lot and Structure Requirement: The following shall apply:

1. Each mobile home lot shall have a minimum area of 4,000 square feet, and have width of not less than 50 feet.

2. Mobile homes shall be located on lots with a minimum setback from access street of twenty (20) feet and five (5) feet from any other lot line, provided that no mobile home shall be closer to any mobile home than fifteen (15) feet unless clustered in appropriate manner.
3. Each mobile home space shall be improved with one (1) patio of concrete, or other suitable impervious material, having a minimum area of 150 square feet, and one (1) gravel or better home pad of size equal to or greater than the dimensions of the trailer located on the pad, but in no case less than ten (10) feet by 40 feet.
4. Permanent structures located within any mobile home lot shall be used for storage purposes only, and shall have a maximum area of 80 square feet and shall be located not less than six (6) feet from any mobile home, not closer to any lot lines than provided in the residential district in which located.
5. No permanent additions of any kind shall be built onto, or become a part of any mobile home; provided, however, that this provision shall not be construed to prohibit the addition to the mobile home of a patio cover or carport cover if same is not permanently attached to the ground. Such patio covers or carport covers shall be similar in appearance and design to the mobile home.
6. All mobile homes shall be secured by tie-downs for protection from wind damage to units and adjacent property, in accordance with State statute.
7. No later than 30 days after placement of a mobile home dwelling on a site, the area between the bottom of the unit and the ground shall be enclosed by screening or skirting on all sides and ends.

12.173 Application for Zoning: Application to the Zoning Administrator for the use of land as a mobile home subdivision under this Ordinance shall be accompanied by a development plan showing compliance with the requirement of this Ordinance.

## **12.18 Review Procedures For All Planned Developments:**

- 12.181 The developer should schedule an initial planning meeting with the Planning Commission Chairman and Planning staff.
- 12.182 For the initial planning meeting a sketch plan of the proposed project should be furnished by the developer.
- 12.183 If during the initial meeting it is determined that the project is a subdivision as defined by Alabama law, the developer shall comply with all requirements of the Subdivision Regulations.
- 12.184 The following points should be discussed with the developer:
  1. The present uses and character of the area.
  2. The road and street system, especially peripheral streets and proposed internal circulation pattern as related to requirements for planned unit developments.
  3. Public and private open area and parks and trails.

4. Public utilities and services or their counterpart such as water, sewer, fire protection, surface drainage, school facilities, if any.
5. Type of structures to be built.
6. Proposed uses to be developed.

12.185 The Preliminary Plan: The developer, after receiving general approval of the sketch plan from the City staff, shall prepare and submit a preliminary plan for review, before submission of the final plan. The purpose of a preliminary plan is to provide an opportunity for somewhat details showing of the intent of the developer with regard to requirements spelled out in this section, at as little expense as possible, using the following procedures:

1. After review of the preliminary plan by the administrative staff for conformance with requirements of this section, the plan will receive review of the Planning Commission and, if a rezoning of land will be necessary to accommodate the project, this plan can be used for the public hearing, to be held in accordance with Alabama law.
2. Maps and a written statement setting forth the details of the proposed development shall be included in the preliminary plan. The maps must show enough of the area surrounding the proposed development to demonstrate the relationship of the planned development to the adjoining uses, both existing and those proposed by the developer. The maps shall be in a general schematic form and contain the following information, and as appropriate, the facilities are to be identified as to whether they are to be public or private.

(1) Maps to include the following information:

- a. The approximate topography.
- b. Proposed land uses and the approximate location of existing and proposed buildings and other structures and uses adjacent to the site.
- c. The character and approximate density of the dwelling.
- d. The approximate location of all streets and right-of-way, walkways and parking facilities.
- e. Public uses including schools, parks, playgrounds and other open spaces.
- f. Number of parking spaces.
- g. Amount of impervious surface.
- h. Generalized drainage plan.
- i. Development staging, if appropriate.

(2) The written statement shall contain an explanation of:

- a. The character of the proposed development and the manner in which it has been designed to take advantage of the planned development concept.

- b. The proposed sewage disposal facilities.
  - c. Water supply and surface drainage provisions.
  - d. The manner of financing proposed.
  - e. The present ownership of all of the land included within the planned development project.
  - f. The method proposed to maintain private common open area building or other facilities.
  - g. The general indication of the expected schedule of development.
- 3. If after a public hearing, the planned development project is approved, any rezoning needed shall be instituted, subject to revocation and reversion to the original zoning of the land if the final plan is not approved.
  - 4. In the event approval has been conditioned on modifications to the plan, then such preliminary plan approval shall not be effective until the developer has filed the modifications as required.
  - 5. If the developer wishes to develop the planned development project in stages, the final plan submitted for review and approval may cover only the first stage to be developed but succeeding stages of the final plan must be in substantial conformance to the approved preliminary plan.
  - 6. If a final plan covering at least a portion of the area in the preliminary plan has not been filed within one (1) year, the approval may be extended for additional periods not to exceed six (6) months each when necessary.
- 12.186 The Final Plan: The final plan provides a specific and particular plan by which development and construction will take place.
- 1. In addition to those items specified for the preliminary plan, the final plan must include:
    - (1) A map showing:
      - a. Street location and nature of improvement.
      - b. Lot lines and lot designs.
      - c. The landscaping and tree planting plan.
      - d. Surface drainage system.
      - e. Peripheral setback (40 feet).
      - f. All easements.
    - (2) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playground, school sites, public buildings, and similar public and semi-public uses, if appropriate.
    - (3) A plot plan for each building site, except single-family lots and the common open area, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.

- (4) Elevation and perspective drawings of all typical proposed structures and improvements except single-family residences and their accessory buildings. The drawings need not be in construction detail.
  - (5) A development schedule indicating:
    - a. The approximate date when construction of the project can be expected to begin.
    - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
    - c. The approximate dates when the development of each of the stages in the development will be completed.
    - d. The area and location of common open space that will be provided at each stage.
  - (6) Agreements, provisions, declarations or covenants which govern the use, maintenance and continued protection of the planned development project and any of its common open areas.
  - (7) The following plans and diagrams will be provided when the local planning agency finds that the planned development creates special problems of traffic or parking.
    - a. An off-street parking and loading area plan.
    - b. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.
2. The plan shall be accompanied by a written agreement, in a form acceptable to the City Attorney, on behalf of the owner, his successors and assigns as follows:
  - (1) That the proposed development, as shown on the plans and as set forth in specifications, will be completed in every detail within such time period as may be agreed upon by the Planning Commission.
  - (2) That all land improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities and equipment and all landscaped or other common open space will be maintained in perpetuity, including such servicing as may be required for the use of such land improvements.
  - (3) That no further changes in the development shall be made which would encroach upon the land used to comply with the requirements of this chapter as to density, open space, yards, courts, vehicular access, automobile parking, building coverage or other outdoor requirements.
  - (4) That all easements for private drives, utility lines and similar purposes shall be open at all times for access by publicly employed personnel



and equipment for police and fire protection, for inspection of utility systems and for any other public purpose.

12.187 Final Plan Approval: The following shall govern approval of the final plan.

1. The Planning Commission shall compare the final plan with the preliminary plan and with the standards set forth in this section. If the final plan conforms to the standards set forth in this section, the Planning Commission shall recommend and the City Council grant approval of the Plan. The City Council may place conditions upon the granting of approval which, in its judgment, will ensure conformance to the Plan as approved.
2. The approval of the final plan shall be valid for a period of one (1) year following the date of such approval. At its discretion, the Council may extend final plan approval for an additional six (6) month period.
3. Factors to be considered by the City staff, the Planning Commission and the Council in reviewing any planning unit development are that the development is in harmony with the Land Use Plan and with the character of the neighborhood and will provide an overall density and standard of open space as required by this Ordinance.
4. The final development plan or any stage of the planned development shall not be approved if the average of the allowable dwelling units per acre, up to and including the stage which is to be approved, exceeds by more than ten percent (10%) of the average number of dwelling units per acre which is allowable for the entire planning development.
5. Upon final approval and after all conditions have been met, the Council shall approve the recording of the final development plan in the deed records. When no parcels are to be sold, the developer will process and have recorded the subdivision plat in the manner designated for the City.
6. The determination of substantial conformance between the preliminary plan and the final plan shall be at the discretion of the City. Variation in conformance is intended solely to facilitate the minor adjustments which may be necessary as the plans approach final construction stage. The Council may refuse to grant approval of substantial conformance if, in their opinion, the adjustments are being used to significantly modify the approved Plan.

12.188 Site Improvements: The developer, at his option, may place street improvements, sidewalks, utilities and other permanent site improvements after preliminary plan approval or stake the location of the buildings and make application for Building Permits. Under no circumstances, however, will any Building Permit be issued until final approval has been granted and the necessary portions of the final plan recorded. The placing of improvements will not obligate the local government to approve such improvements on the final plan if not in conformance with the terms of this section.

12.189 Public Record: The final plan is the permanent public record of the planned development and will be the manner in which the development is constructed as provided herein.

12.1810 Contents: The final plan shall contain, in final form, the information required above. In addition, the following will apply:

1. If parcels of land are to be sold, then a subdivision plat in the form prescribed by the law shall be filed for approval in the appropriate manner.
2. If land within the planned development project is not to be sold in individual parcels, then a site plan shall be prepared and filed with the City which is suitable for inclusion in the deed records of the County, and a permanent reproducible transparency of the final plan will be filed with the City, which the transparency will be placed on file with the City Clerk.

## **Section 12.2**      **Historic Preservation Areas**

- 12.21**      **Purpose of Review Process:** To preserve and protect and to encourage preservation of structures or the remains of structures which are part of the cultural and social heritage of the Troy area, and to require that new construction, alterations, and uses be appropriate to the character of the designated historic areas.
- 12.22**      **Designation of Historical Preservation Areas:** Areas are designated as Historical Preservation Areas by being listed in the National Register of Historic Places or designated by the City Council with the advice from the Planning Commission. Such areas shall be shown on the official City Zoning Map by means of an overlay symbol and the standard designation for the zone and shall be labeled with the name of the zone followed by the designation “HP” (for example, R-2HP).
- 12.23**      **Construction in Historical Preservation Areas:** Prior to issuance of a Building Permit in any area designated as a historic preservation area, detailed plans shall be submitted to the Design Review Committee for review. These plans shall be studied by the Design Review Committee who shall ensure that such construction will be in character with the existing area.
- 12.24**      **Restrictions:** Mobile homes, as regulated in Section 8.514 may not be permitted in Historical Preservation Areas as defined in Section 12.22.

## **Section 12.3**      **Flood Hazard Areas**

- 12.31**      **Statement of Intent:** It is the intent of the floodway and flood fringe portions of the flood hazard area to provide protection from the hazards and losses caused by flooding to residents, businesses, industries, and public uses of the community, and to protect sensitive natural environments that might be damaged by improper use of the floodway fringe. The boundaries of the flood hazard district shall include, as a minimum, the flood prone areas defined by the Federal Flood Insurance Administration and may include other flood prone areas as identified by the City of Troy.
- 12.32**      **Floodway Uses Permitted:** The following uses are permitted which have low flood damage potential and do not threaten other lands during times of flood and do not require storage of materials, structures, flood control works, or substantial filling or grading and do not include the use of channels or flood ways, streams, drainage ditches or any other drainage facility or system.
1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
  2. Industrial-commercial related uses such as loading areas, parking areas, airport landing strips, circuses, carnivals and similar transient amusement enterprises.
  3. Private and public recreational uses such as marinas, golf courses, tennis courts, driving ranges, archery ranges, picnic areas, boat launching ramps, swimming areas, parking, wildlife and nature preserves, game farms, fish hatcheries, shooting ranges, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding

trails, temporary moveable structures for the sale of food and refreshment, arts and crafts.

4. Residential related uses such as lawns, gardens, parking areas and play areas.

**12.33 Floodway Uses Permitted on Appeal:**

1. Drive-in theaters, new and used car lots, roadside stands, signs and billboards, storage yards for equipment, machinery, or materials.
2. Railroad streets, bridges, utility transmission lines and pipelines.
3. Kennels and stables.
4. Construction of sand, gravel and other materials, substantial grading filling, excavational alteration, and natural protective barriers only is extraction activities will not result in damage to the flood or drainage system itself or destroy natural protective barriers.

**12.34 Standards for Floodway Uses Permitted on Appeal:** No structure, storage of materials or equipment, or their use may be allowable as a use permitting on appeal which, acting alone or in combination with existing or future uses, will significantly cause flood damages to other lands or accelerate erosion. All buildings or structures, temporary or permanent, within the floodway-prone area shall:

1. Be designed with a low flood potential.
2. If permitted, shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
3. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
4. Service facilities such as electrical and heating equipment shall be flood-proofed or constructed at or above the regular flood protection elevation for the particular area.
5. Storage of materials and equipment within the flood prone area shall:
  - (1) Not include the storage or processing of materials that are in the time of flooding buoyant, flammable, explosive, or injurious to human, animal, or plant life.
  - (2) Be allowed if such materials or equipment are not subject to major damage by flood and are firmly anchored to prevent flotation or are readily removable from the area within the time available after a flood warning.

**12.35 Flood Fringe Uses Permitted:** Uses permitted shall be allowed in the immediately adjacent area as determined by moving perpendicularly away from the waterway. The flood fringe shall be interpreted as overlaying that zone and impose the following construction limitations.

No building or structure shall be erected and no existing building structure shall be extended or moved unless the main floor of said building or structure is placed one (1) foot above the elevation subject to flood as defined by the studies prepared by the Flood Insurance Administration or the Corps of Engineers. No basement floor or other floor shall be constructed below or at a lower elevation than the main floor unless flood-proofed. Foundations of all structures shall be designed to withstand flood conditions at the site. Land may be filled within the flood fringe areas provided such fill extends 25 feet beyond the limits of the structure, but does not extend into the floodway.

**12.36** **Flood Fringe Uses Permitted on Appeal:** Uses permitted on appeal in the overlaid zone are subject to the same regulations for flood elevations and flood-proofing as specified in Section 12.34.

**12.37** **Uses Prohibited:**

- Sanitary landfills.
- Structures for human habitation.
- On site absorption system.
- Uses which impede the flow of water or raise the upstream flood level.

**12.38** **Development Requirements:**

- Development plans for all proposed uses must be submitted to the Planning Commission for review and approval.
- All uses must be flood-proofed.
- Sewer and water systems must be located and constructed so as to avoid impairment or contamination during flood.
- No uses shall adversely affect the efficiency or capacity of the floodway or increase flood heights.
- There shall be no encroachments into the floodway.
- Applicant must also obtain any necessary state and federal permits prior to beginning construction.

**Section 12.4** **Transitional Areas for Placement of Mobile Homes:**

**12.41** **Purpose of Review Process:** To allow for the placement of mobile homes on single-family lots of substandard record as in-fill housing where existing homes are of substandard condition that replacement housing of conventional types would not be feasible; and to assure that the mobile home will meet certain specifications and will provide pleasant living conditions for residents while protecting adjacent property.

**12.42** **Location:** Mobile Homes as in-fill housing will be permitted on appeal in R-1, R-2, R-3, A-1 residential Districts, the M-1 Industrial Districts and the C-4 Highway Commercial District. Such areas shall be shown on the official City Zoning Map by means of an overlay symbol and the standard designation for the zone shall be labeled with the name of the zone followed by the designation "TA" (for example R-2TA).

**12.43** **Placement of Mobile Home in the Transitional Area:** No mobile home shall be occupied within the City Limits unless said mobile home is constructed in accordance with the minimum standards set forth by either the Mobile Home Manufacturer's Association (MHMA), or the Travel Coach Association (TCA), and has displayed permanently on the outside the seal or medallion of either aforementioned organizations certifying that the mobile home was manufactured in accordance with those standards. All mobile homes shall have adequate tie-downs and be skirted with wood, brick, rock, metal, other suitable material to enhance the appearance. All minimum yard size, minimum lot size, and maximum building area for the zone in which the mobile home is located shall apply. Where water and sanitary/sewer facilities are available within 100 feet of the lot line, the homeowner shall tie into the existing City utilities. If outside of utility limits then the standards set by the State Health Department shall apply where lot size requirements are in question. No

later than 30 days after placement of a mobile home on a site, the area between the bottom of the unit and the ground shall be enclosed by screening on all sides and ends.

## **Section 12.5**      **Airport Hazard Areas**

**12.51**      **Designation of Airport Hazard Areas:** For the purpose of this Ordinance, the following area(s) are designated as airport hazard areas. The area including and within one-eighth (1/8) mile of Troy Municipal Airport, a municipality owned airport of the City of Troy, and the area including and within one-eighth (1/8) mile of any helipad, public or private. The areas are more particularly shown or described in "The Zoning Map of Troy." Said map and all explanatory matter thereon are hereby adopted and made part of this Ordinance.

**12.52**      **Number and Type of Districts and Boundaries:** For the purpose of this Ordinance, airport hazard areas as hereby divided into the same number and type of districts and with the same designations or names as listed in Article 5 of this Zoning Ordinance, except as specified below, and the boundaries of the said districts are hereby established as shown on the Troy Zoning Map.

**12.53**      **Regulations:** Within an airport hazard area the following regulations shall apply:

For airport only:

- No building shall exceed one (1) story or 20 feet in height except with the written approval of the Board of Adjustment.
- Within the approach and departure path, no structure, tree or other obstacle shall exceed the height of a 20 to 1 (20:1) slope as measured from the end of the runway.

For helipads:

- No structure, tree or other obstacle shall exceed the height of a 2 to 1 (2:1) slope from the helipad.
- Within the approach and departure path, no structure, tree or other obstacle shall exceed an 8 to 1 (8:1) slope.

**12.54**      **Administration and Enforcement:** within an airport hazard area, the Board of Adjustment shall act as the "Administrative Agency" and review all requests for land development within Airport Hazard Areas.

The provisions of this Ordinance within an Airport Hazard Area shall be administered and enforced by the Building Official.

## ARTICLE THIRTEEN

### REPEAL OF CONFLICTING ORDINANCE AND EFFECTIVE DATE

#### **Section 13.1**            **Repeal of Conflicting Ordinances**

13.11        All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

#### **Section 13.2**            **Effective Date**

13.21        The Ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

*Originally adopted by the City Council the 14<sup>th</sup> day of January, 1986.*

*As most recently amended by the City Council the 26<sup>th</sup> day of October, 2015.*